



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5087

by Rep. George Scully, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Marriage and Dissolution of Marriage Act to rewrite provisions concerning child custody and visitation, but with changes that include the following: (1) amends the Neutral Site Custody Exchange Funding Act, the Intergovernmental Missing Child Recovery Act of 1984, the Domestic Relations Legal Funding Act, the Code of Criminal Procedure of 1963, the Illinois Parentage Act of 1984, the Illinois Domestic Violence Act of 1986, and the Probate Act of 1975, and further amends the Illinois Marriage and Dissolution of Marriage Act to change references to "custody" and "visitation" to "parental responsibilities" and "parenting time", respectively, and to change references to Sections of the Illinois Marriage and Dissolution of Marriage Act that are repealed by the bill; and (2) requires the Illinois Supreme Court to approve 3 hours of training for certain professionals, evaluators, investigators, and guardians ad litem serving in connection with proceedings to allocate parental responsibilities.

LRB095 03582 DRJ 40259 b

1 AN ACT concerning child custody.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 2. The Neutral Site Custody Exchange Funding Act is
5 amended by changing Section 10 as follows:

6 (55 ILCS 82/10)

7 Sec. 10. Definition. In this Act:

8 "Custody exchange" means an exchange of the physical
9 custody of a child at the commencement or conclusion of
10 visitation with the child or at other times pursuant to an
11 order allocating parental responsibilities or parenting time
12 ~~for child custody or visitation.~~

13 "Neutral site" means a place not under the ownership or
14 control of any party to an order for allocation of parental
15 responsibilities ~~child custody or visitation~~, where a custody
16 exchange takes place.

17 (Source: P.A. 91-811, eff. 6-13-00.)

18 Section 5. The Intergovernmental Missing Child Recovery
19 Act of 1984 is amended by changing Section 7.1 as follows:

20 (325 ILCS 40/7.1) (from Ch. 23, par. 2257.1)

21 Sec. 7.1. In addition to any requirement of Section 601.2

1 ~~601 or 611~~ of the Illinois Marriage and Dissolution of Marriage
2 Act or applicable provisions of the Uniform Child-Custody
3 Jurisdiction and Enforcement Act regarding a parental
4 allocation ~~custody~~ proceeding of an out-of-state party, every
5 court in this State, prior to granting or modifying a parental
6 allocation ~~custody~~ judgment, shall inquire with LEADS and the
7 National Crime Information Center to ascertain whether the
8 child or children in question have been reported missing or
9 have been involved in or are the victims of a parental or
10 noncustodial abduction. Such inquiry may be conducted with any
11 law enforcement agency in this State that maintains a LEADS
12 terminal or has immediate access to one on a 24-hour-per-day,
13 7-day-per-week basis through a written agreement with another
14 law enforcement agency.

15 (Source: P.A. 93-108, eff. 1-1-04.)

16 Section 7. The Domestic Relations Legal Funding Act is
17 amended by changing Sections 5 and 10 as follows:

18 (705 ILCS 130/5)

19 Sec. 5. Legislative findings. The General Assembly finds
20 that the domestic relations area of law frequently involves
21 individuals who are indigent and unable to obtain legal
22 representation; the courts of Illinois are backlogged with both
23 pre-judgment and post-judgment domestic relations cases
24 involving dissolution of marriage, legal separation,

1 declaration of invalidity of marriage, allocation of parenting
2 time or parental responsibilities ~~visitation, custody,~~ child
3 support, paternity, and maintenance issues that require
4 numerous court appearances and lengthy hearings caused in part
5 by individuals who are not represented by legal counsel and who
6 do not understand the proceedings; the resolution of these
7 cases where one or both parties have not been represented by
8 counsel results in the unrepresented party not following the
9 court procedures and orders, many times causing multiple court
10 proceedings, leading to costly and time consuming judicial
11 proceedings revolving around the same issues; providing legal
12 representation to the indigent party in domestic relations
13 cases has a great potential for efficiently reducing the volume
14 of matters which burden the court system in this State; there
15 are social and economic benefits in reducing the number of
16 court proceedings in domestic relations cases; many seemingly
17 minor disputes between individuals may escalate into major
18 social and legal problems without the intervention of legal
19 representation and education about the legal system for all
20 parties; there are compelling reasons for providing legal
21 representation to indigent individuals in domestic relations
22 matters; and not-for-profit charitable organizations have in
23 the past and can continue to make a substantial contribution to
24 the expeditious operation and maintenance of the courts in
25 domestic relations cases pending in this State.

26 (Source: P.A. 89-56, eff. 1-1-96.)

1 (705 ILCS 130/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Domestic relations legal charity" means a not-for-profit
4 organization which is exempt from the payment of federal income
5 tax pursuant to Section 501(c)(3) of the Internal Revenue Code
6 of 1986 and which is organized to provide legal representation
7 at no charge to indigent litigants in domestic relations
8 matters in the county in which the funds have been raised and
9 are to be distributed under this Act.

10 "Litigant" means an individual, not a business entity, who
11 is actively involved in a pending lawsuit involving a domestic
12 relations matter or is about to file a new lawsuit involving a
13 domestic relations matter in the county in which the funds
14 provided in this Act have been raised and are to be
15 distributed.

16 "Domestic relations matter" means any civil lawsuit
17 involving dissolution of marriage, legal separation,
18 declaration of invalidity of marriage, allocation of parenting
19 time or parental responsibilities ~~child custody, child~~
20 ~~visitation~~, child support, paternity, orders of protection, or
21 children's rights issues.

22 (Source: P.A. 89-56, eff. 1-1-96.)

23 Section 10. The Code of Criminal Procedure of 1963 is
24 amended by changing Sections 112A-12, 112A-14, and 112A-23 as

1 follows:

2 (725 ILCS 5/112A-12) (from Ch. 38, par. 112A-12)

3 Sec. 112A-12. Hearings.

4 (a) A petition for an order of protection shall be treated
5 as an expedited proceeding, and no court shall transfer or
6 otherwise decline to decide all or part of such petition,
7 except as otherwise provided herein. Nothing in this Section
8 shall prevent the court from reserving issues when jurisdiction
9 or notice requirements are not met.

10 (b) A criminal court may decline to decide contested issues
11 of physical care, allocation of parenting time or parental
12 responsibilities ~~custody, visitation,~~ or family support,
13 unless a decision on one or more of those contested issues is
14 necessary to avoid the risk of abuse, neglect, removal from the
15 state or concealment within the state of the child or of
16 separation of the child from the primary caretaker.

17 (c) The court shall transfer to the appropriate court or
18 division any issue it has declined to decide. Any court may
19 transfer any matter which must be tried by jury to a more
20 appropriate calendar or division.

21 (d) If the court transfers or otherwise declines to decide
22 any issue, judgment on that issue shall be expressly reserved
23 and ruling on other issues shall not be delayed or declined.

24 (Source: P.A. 87-1186.)

1 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

2 Sec. 112A-14. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner
4 has been abused by a family or household member, as defined in
5 this Article, an order of protection prohibiting such abuse
6 shall issue; provided that petitioner must also satisfy the
7 requirements of one of the following Sections, as appropriate:
8 Section 112A-17 on emergency orders, Section 112A-18 on interim
9 orders, or Section 112A-19 on plenary orders. Petitioner shall
10 not be denied an order of protection because petitioner or
11 respondent is a minor. The court, when determining whether or
12 not to issue an order of protection, shall not require physical
13 manifestations of abuse on the person of the victim.
14 Modification and extension of prior orders of protection shall
15 be in accordance with this Article.

16 (b) Remedies and standards. The remedies to be included in
17 an order of protection shall be determined in accordance with
18 this Section and one of the following Sections, as appropriate:
19 Section 112A-17 on emergency orders, Section 112A-18 on interim
20 orders, and Section 112A-19 on plenary orders. The remedies
21 listed in this subsection shall be in addition to other civil
22 or criminal remedies available to petitioner.

23 (1) Prohibition of abuse. Prohibit respondent's
24 harassment, interference with personal liberty,
25 intimidation of a dependent, physical abuse or willful
26 deprivation, as defined in this Article, if such abuse has

1 occurred or otherwise appears likely to occur if not
2 prohibited.

3 (2) Grant of exclusive possession of residence.
4 Prohibit respondent from entering or remaining in any
5 residence or household of the petitioner, including one
6 owned or leased by respondent, if petitioner has a right to
7 occupancy thereof. The grant of exclusive possession of the
8 residence shall not affect title to real property, nor
9 shall the court be limited by the standard set forth in
10 Section 701 of the Illinois Marriage and Dissolution of
11 Marriage Act.

12 (A) Right to occupancy. A party has a right to
13 occupancy of a residence or household if it is solely
14 or jointly owned or leased by that party, that party's
15 spouse, a person with a legal duty to support that
16 party or a minor child in that party's care, or by any
17 person or entity other than the opposing party that
18 authorizes that party's occupancy (e.g., a domestic
19 violence shelter). Standards set forth in subparagraph
20 (B) shall not preclude equitable relief.

21 (B) Presumption of hardships. If petitioner and
22 respondent each has the right to occupancy of a
23 residence or household, the court shall balance (i) the
24 hardships to respondent and any minor child or
25 dependent adult in respondent's care resulting from
26 entry of this remedy with (ii) the hardships to

1 petitioner and any minor child or dependent adult in
2 petitioner's care resulting from continued exposure to
3 the risk of abuse (should petitioner remain at the
4 residence or household) or from loss of possession of
5 the residence or household (should petitioner leave to
6 avoid the risk of abuse). When determining the balance
7 of hardships, the court shall also take into account
8 the accessibility of the residence or household.
9 Hardships need not be balanced if respondent does not
10 have a right to occupancy.

11 The balance of hardships is presumed to favor
12 possession by petitioner unless the presumption is
13 rebutted by a preponderance of the evidence, showing
14 that the hardships to respondent substantially
15 outweigh the hardships to petitioner and any minor
16 child or dependent adult in petitioner's care. The
17 court, on the request of petitioner or on its own
18 motion, may order respondent to provide suitable,
19 accessible, alternate housing for petitioner instead
20 of excluding respondent from a mutual residence or
21 household.

22 (3) Stay away order and additional prohibitions. Order
23 respondent to stay away from petitioner or any other person
24 protected by the order of protection, or prohibit
25 respondent from entering or remaining present at
26 petitioner's school, place of employment, or other

1 specified places at times when petitioner is present, or
2 both, if reasonable, given the balance of hardships.
3 Hardships need not be balanced for the court to enter a
4 stay away order or prohibit entry if respondent has no
5 right to enter the premises.

6 If an order of protection grants petitioner exclusive
7 possession of the residence, or prohibits respondent from
8 entering the residence, or orders respondent to stay away
9 from petitioner or other protected persons, then the court
10 may allow respondent access to the residence to remove
11 items of clothing and personal adornment used exclusively
12 by respondent, medications, and other items as the court
13 directs. The right to access shall be exercised on only one
14 occasion as the court directs and in the presence of an
15 agreed-upon adult third party or law enforcement officer.

16 (4) Counseling. Require or recommend the respondent to
17 undergo counseling for a specified duration with a social
18 worker, psychologist, clinical psychologist, psychiatrist,
19 family service agency, alcohol or substance abuse program,
20 mental health center guidance counselor, agency providing
21 services to elders, program designed for domestic violence
22 abusers or any other guidance service the court deems
23 appropriate.

24 (5) Physical care and possession of the minor child. In
25 order to protect the minor child from abuse, neglect, or
26 unwarranted separation from the person who has been the

1 minor child's primary caretaker, or to otherwise protect
2 the well-being of the minor child, the court may do either
3 or both of the following: (i) grant petitioner physical
4 care or possession of the minor child, or both, or (ii)
5 order respondent to return a minor child to, or not remove
6 a minor child from, the physical care of a parent or person
7 in loco parentis.

8 If a court finds, after a hearing, that respondent has
9 committed abuse (as defined in Section 112A-3) of a minor
10 child, there shall be a rebuttable presumption that
11 awarding physical care to respondent would not be in the
12 minor child's best interest.

13 (6) Temporary allocation of parental responsibilities.
14 Allocate ~~legal custody.~~ ~~Award~~ temporary parental
15 responsibilities ~~legal custody~~ to petitioner in accordance
16 with this Section, the Illinois Marriage and Dissolution of
17 Marriage Act, the Illinois Parentage Act of 1984, and this
18 State's Uniform Child-Custody Jurisdiction and Enforcement
19 Act.

20 If a court finds, after a hearing, that respondent has
21 committed abuse (as defined in Section 112A-3) of a minor
22 child, there shall be a rebuttable presumption that
23 allocating ~~awarding~~ temporary parental responsibilities
24 ~~legal custody~~ to respondent would not be in the child's
25 best interest.

26 (7) Parenting time Visitation. Determine the parenting

1 ~~time visitation rights~~, if any, of respondent in any case
2 in which the court awards physical care or allocates
3 temporary parental responsibilities with respect to legal
4 ~~custody of~~ a minor child to petitioner. The court shall
5 restrict or deny respondent's parenting time visitation
6 with a minor child if the court finds that respondent has
7 done or is likely to do any of the following: (i) abuse or
8 endanger the minor child during parenting time visitation;
9 (ii) use the parenting time visitation as an opportunity to
10 abuse or harass petitioner or petitioner's family or
11 household members; (iii) improperly conceal or detain the
12 minor child; or (iv) otherwise act in a manner that is not
13 in the best interests of the minor child. The court shall
14 not be limited by the standards set forth in Section 603.10
15 ~~607.1~~ of the Illinois Marriage and Dissolution of Marriage
16 Act. If the court grants parenting time visitation, the
17 order shall specify dates and times for the parenting time
18 ~~visitation~~ to take place or other specific parameters or
19 conditions that are appropriate. No order for parenting
20 time visitation shall refer merely to the term "reasonable
21 parenting time visitation".

22 Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for parenting time
24 ~~visitation~~, respondent is under the influence of drugs or
25 alcohol and constitutes a threat to the safety and
26 well-being of petitioner or petitioner's minor children or

1 is behaving in a violent or abusive manner.

2 If necessary to protect any member of petitioner's
3 family or household from future abuse, respondent shall be
4 prohibited from coming to petitioner's residence to meet
5 the minor child for parenting time ~~visitation~~, and the
6 parties shall submit to the court their recommendations for
7 reasonable alternative arrangements for parenting time
8 ~~visitation~~. A person may be approved to supervise parenting
9 time ~~visitation~~ only after filing an affidavit accepting
10 that responsibility and acknowledging accountability to
11 the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the ~~custody or care of the~~ petitioner or to permit
19 any court-ordered interview or examination of the child or
20 the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the property
6 is that it is marital property, the court may award
7 petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and the
21 balance of hardships favors granting this remedy.

22 If petitioner's sole claim to ownership of the property
23 is that it is marital property, the court may grant
24 petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or over whom the parent has been
18 allocated parental responsibilities ~~custody~~, when the
19 respondent has a legal obligation to support that person,
20 in accordance with the Illinois Marriage and Dissolution of
21 Marriage Act, which shall govern, among other matters, the
22 amount of support, payment through the clerk and
23 withholding of income to secure payment. An order for child
24 support may be granted to a petitioner with lawful physical
25 care of or parental responsibilities over ~~or custody of~~ a
26 child, or an order or agreement for physical care of a

1 child or significant decision-making responsibilities
2 ~~custody~~, prior to entry of an order allocating parental
3 responsibilities for legal custody. Such a support order
4 shall expire upon entry of a valid order allocating
5 parental responsibilities differently ~~granting legal~~
6 ~~custody to another~~, unless otherwise provided in the court
7 ~~custody~~ order.

8 (13) Order for payment of losses. Order respondent to
9 pay petitioner for losses suffered as a direct result of
10 the abuse. Such losses shall include, but not be limited
11 to, medical expenses, lost earnings or other support,
12 repair or replacement of property damaged or taken,
13 reasonable attorney's fees, court costs and moving or other
14 travel expenses, including additional reasonable expenses
15 for temporary shelter and restaurant meals.

16 (i) Losses affecting family needs. If a party is
17 entitled to seek maintenance, child support or
18 property distribution from the other party under the
19 Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended, the court may order
21 respondent to reimburse petitioner's actual losses, to
22 the extent that such reimbursement would be
23 "appropriate temporary relief", as authorized by
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable
2 expenses incurred or to be incurred in the search for
3 and recovery of the minor child, including but not
4 limited to legal fees, court costs, private
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent
7 from entering or remaining in the residence or household
8 while the respondent is under the influence of alcohol or
9 drugs and constitutes a threat to the safety and well-being
10 of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (a) When a complaint is made under a request for an
13 order of protection, that the respondent has
14 threatened or is likely to use firearms illegally
15 against the petitioner, and the respondent is present
16 in court, or has failed to appear after receiving
17 actual notice, the court shall examine on oath the
18 petitioner, and any witnesses who may be produced. If
19 the court is satisfied that there is any danger of the
20 illegal use of firearms, it shall include in the order
21 of protection the requirement that any firearms in the
22 possession of the respondent, except as provided in
23 subsection (b), be turned over to the local law
24 enforcement agency for safekeeping. If the respondent
25 fails to appear, or refuses or fails to surrender his
26 or her firearms, the court shall issue a warrant for

1 seizure of any firearm in the possession of the
2 respondent. The period of safekeeping shall be for a
3 stated period of time not to exceed 2 years. The
4 firearm or firearms shall be returned to the respondent
5 at the end of the stated period or at expiration of the
6 order of protection, whichever is sooner.

7 (b) If the respondent is a peace officer as defined
8 in Section 2-13 of the Criminal Code of 1961, the court
9 shall order that any firearms used by the respondent in
10 the performance of his or her duties as a peace officer
11 be surrendered to the chief law enforcement executive
12 of the agency in which the respondent is employed, who
13 shall retain the firearms for safekeeping for the
14 stated period not to exceed 2 years as set forth in the
15 court order.

16 (15) Prohibition of access to records. If an order of
17 protection prohibits respondent from having contact with
18 the minor child, or if petitioner's address is omitted
19 under subsection (b) of Section 112A-5, or if necessary to
20 prevent abuse or wrongful removal or concealment of a minor
21 child, the order shall deny respondent access to, and
22 prohibit respondent from inspecting, obtaining, or
23 attempting to inspect or obtain, school or any other
24 records of the minor child who is in the care of
25 petitioner.

26 (16) Order for payment of shelter services. Order

1 respondent to reimburse a shelter providing temporary
2 housing and counseling services to the petitioner for the
3 cost of the services, as certified by the shelter and
4 deemed reasonable by the court.

5 (17) Order for injunctive relief. Enter injunctive
6 relief necessary or appropriate to prevent further abuse of
7 a family or household member or to effectuate one of the
8 granted remedies, if supported by the balance of hardships.
9 If the harm to be prevented by the injunction is abuse or
10 any other harm that one of the remedies listed in
11 paragraphs (1) through (16) of this subsection is designed
12 to prevent, no further evidence is necessary to establish
13 that the harm is an irreparable injury.

14 (c) Relevant factors; findings.

15 (1) In determining whether to grant a specific remedy,
16 other than payment of support, the court shall consider
17 relevant factors, including but not limited to the
18 following:

19 (i) the nature, frequency, severity, pattern and
20 consequences of the respondent's past abuse of the
21 petitioner or any family or household member,
22 including the concealment of his or her location in
23 order to evade service of process or notice, and the
24 likelihood of danger of future abuse to petitioner or
25 any member of petitioner's or respondent's family or
26 household; and

1 (ii) the danger that any minor child will be abused
2 or neglected or improperly relocated ~~removed~~ from the
3 jurisdiction, improperly concealed within the State or
4 improperly separated from the child's primary
5 caretaker.

6 (2) In comparing relative hardships resulting to the
7 parties from loss of possession of the family home, the
8 court shall consider relevant factors, including but not
9 limited to the following:

10 (i) availability, accessibility, cost, safety,
11 adequacy, location and other characteristics of
12 alternate housing for each party and any minor child or
13 dependent adult in the party's care;

14 (ii) the effect on the party's employment; and

15 (iii) the effect on the relationship of the party,
16 and any minor child or dependent adult in the party's
17 care, to family, school, church and community.

18 (3) Subject to the exceptions set forth in paragraph
19 (4) of this subsection, the court shall make its findings
20 in an official record or in writing, and shall at a minimum
21 set forth the following:

22 (i) That the court has considered the applicable
23 relevant factors described in paragraphs (1) and (2) of
24 this subsection.

25 (ii) Whether the conduct or actions of respondent,
26 unless prohibited, will likely cause irreparable harm

1 or continued abuse.

2 (iii) Whether it is necessary to grant the
3 requested relief in order to protect petitioner or
4 other alleged abused persons.

5 (4) For purposes of issuing an ex parte emergency order
6 of protection, the court, as an alternative to or as a
7 supplement to making the findings described in paragraphs
8 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
9 the following procedure:

10 When a verified petition for an emergency order of
11 protection in accordance with the requirements of Sections
12 112A-5 and 112A-17 is presented to the court, the court
13 shall examine petitioner on oath or affirmation. An
14 emergency order of protection shall be issued by the court
15 if it appears from the contents of the petition and the
16 examination of petitioner that the averments are
17 sufficient to indicate abuse by respondent and to support
18 the granting of relief under the issuance of the emergency
19 order of protection.

20 (5) Never married parties. No rights or
21 responsibilities for a minor child born outside of marriage
22 attach to a putative father until a father and child
23 relationship has been established under the Illinois
24 Parentage Act of 1984. Absent such an adjudication, no
25 putative father shall be granted temporary allocation of
26 parental responsibilities or parenting time ~~custody of the~~

1 ~~minor child, visitation~~ with the minor child, ~~or physical~~
2 ~~care and possession of the minor child,~~ nor shall an order
3 of payment for support of the minor child be entered.

4 (d) Balance of hardships; findings. If the court finds that
5 the balance of hardships does not support the granting of a
6 remedy governed by paragraph (2), (3), (10), (11), or (16) of
7 subsection (b) of this Section, which may require such
8 balancing, the court's findings shall so indicate and shall
9 include a finding as to whether granting the remedy will result
10 in hardship to respondent that would substantially outweigh the
11 hardship to petitioner from denial of the remedy. The findings
12 shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be
14 based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force, unless
16 that cause satisfies the standards for justifiable use of
17 force provided by Article VII of the Criminal Code of 1961;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of
20 another, provided that, if petitioner utilized force, such
21 force was justifiable under Article VII of the Criminal
22 Code of 1961;

23 (4) Petitioner did not act in self-defense or defense
24 of another;

25 (5) Petitioner left the residence or household to avoid
26 further abuse by respondent;

1 (6) Petitioner did not leave the residence or household
2 to avoid further abuse by respondent;

3 (7) Conduct by any family or household member excused
4 the abuse by respondent, unless that same conduct would
5 have excused such abuse if the parties had not been family
6 or household members.

7 (Source: P.A. 95-234, eff. 1-1-08.)

8 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

9 Sec. 112A-23. Enforcement of orders of protection.

10 (a) When violation is crime. A violation of any order of
11 protection, whether issued in a civil, quasi-criminal
12 proceeding, shall be enforced by a criminal court when:

13 (1) The respondent commits the crime of violation of an
14 order of protection pursuant to Section 12-30 of the
15 Criminal Code of 1961, by having knowingly violated:

16 (i) remedies described in paragraphs (1), (2),
17 (3), (14), or (14.5) of subsection (b) of Section
18 112A-14,

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraphs (1), (2),
21 (3), (14) or (14.5) of subsection (b) of Section 214 of
22 the Illinois Domestic Violence Act of 1986, in a valid
23 order of protection, which is authorized under the laws
24 of another state, tribe or United States territory,

25 (iii) or any other remedy when the act constitutes

1 a crime against the protected parties as defined by the
2 Criminal Code of 1961.

3 Prosecution for a violation of an order of protection shall
4 not bar concurrent prosecution for any other crime, including
5 any crime that may have been committed at the time of the
6 violation of the order of protection; or

7 (2) The respondent commits the crime of child abduction
8 pursuant to Section 10-5 of the Criminal Code of 1961, by
9 having knowingly violated:

10 (i) remedies described in paragraphs (5), (6) or
11 (8) of subsection (b) of Section 112A-14, or

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (1), (5),
14 (6), or (8) of subsection (b) of Section 214 of the
15 Illinois Domestic Violence Act of 1986, in a valid
16 order of protection, which is authorized under the laws
17 of another state, tribe or United States territory.

18 (b) When violation is contempt of court. A violation of any
19 valid order of protection, whether issued in a civil or
20 criminal proceeding, may be enforced through civil or criminal
21 contempt procedures, as appropriate, by any court with
22 jurisdiction, regardless where the act or acts which violated
23 the order of protection were committed, to the extent
24 consistent with the venue provisions of this Article. Nothing
25 in this Article shall preclude any Illinois court from
26 enforcing any valid order of protection issued in another

1 state. Illinois courts may enforce orders of protection through
2 both criminal prosecution and contempt proceedings, unless the
3 action which is second in time is barred by collateral estoppel
4 or the constitutional prohibition against double jeopardy.

5 (1) In a contempt proceeding where the petition for a
6 rule to show cause sets forth facts evidencing an immediate
7 danger that the respondent will flee the jurisdiction,
8 conceal a child, or inflict physical abuse on the
9 petitioner or minor children or on dependent adults in
10 petitioner's care, the court may order the attachment of
11 the respondent without prior service of the rule to show
12 cause or the petition for a rule to show cause. Bond shall
13 be set unless specifically denied in writing.

14 (2) A petition for a rule to show cause for violation
15 of an order of protection shall be treated as an expedited
16 proceeding.

17 (c) Violation of ~~custody or~~ support orders or temporary or
18 final judgments allocating parental responsibilities. A
19 violation of remedies described in paragraphs (5), (6), (8), or
20 (9) of subsection (b) of Section 112A-14 may be enforced by any
21 remedy provided by Section or temporary or final judgments
22 allocating parental responsibilities ~~611~~ of the Illinois
23 Marriage and Dissolution of Marriage Act. The court may enforce
24 any order for support issued under paragraph (12) of subsection
25 (b) of Section 112A-14 in the manner provided for under Parts
26 ~~Articles~~ V and VII of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (d) Actual knowledge. An order of protection may be
3 enforced pursuant to this Section if the respondent violates
4 the order after respondent has actual knowledge of its contents
5 as shown through one of the following means:

6 (1) By service, delivery, or notice under Section
7 112A-10.

8 (2) By notice under Section 112A-11.

9 (3) By service of an order of protection under Section
10 112A-22.

11 (4) By other means demonstrating actual knowledge of
12 the contents of the order.

13 (e) The enforcement of an order of protection in civil or
14 criminal court shall not be affected by either of the
15 following:

16 (1) The existence of a separate, correlative order
17 entered under Section 112A-15.

18 (2) Any finding or order entered in a conjoined
19 criminal proceeding.

20 (f) Circumstances. The court, when determining whether or
21 not a violation of an order of protection has occurred, shall
22 not require physical manifestations of abuse on the person of
23 the victim.

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this
26 subsection, where the court finds the commission of a crime

1 or contempt of court under subsections (a) or (b) of this
2 Section, the penalty shall be the penalty that generally
3 applies in such criminal or contempt proceedings, and may
4 include one or more of the following: incarceration,
5 payment of restitution, a fine, payment of attorneys' fees
6 and costs, or community service.

7 (2) The court shall hear and take into account evidence
8 of any factors in aggravation or mitigation before deciding
9 an appropriate penalty under paragraph (1) of this
10 subsection.

11 (3) To the extent permitted by law, the court is
12 encouraged to:

13 (i) increase the penalty for the knowing violation
14 of any order of protection over any penalty previously
15 imposed by any court for respondent's violation of any
16 order of protection or penal statute involving
17 petitioner as victim and respondent as defendant;

18 (ii) impose a minimum penalty of 24 hours
19 imprisonment for respondent's first violation of any
20 order of protection; and

21 (iii) impose a minimum penalty of 48 hours
22 imprisonment for respondent's second or subsequent
23 violation of an order of protection

24 unless the court explicitly finds that an increased penalty
25 or that period of imprisonment would be manifestly unjust.

26 (4) In addition to any other penalties imposed for a

1 violation of an order of protection, a criminal court may
2 consider evidence of any violations of an order of
3 protection:

4 (i) to increase, revoke or modify the bail bond on
5 an underlying criminal charge pursuant to Section
6 110-6;

7 (ii) to revoke or modify an order of probation,
8 conditional discharge or supervision, pursuant to
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic
11 imprisonment, pursuant to Section 5-7-2 of the Unified
12 Code of Corrections.

13 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

14 Section 15. The Illinois Marriage and Dissolution of
15 Marriage Act is amended by changing Sections 102, 401, 502,
16 503, 505, 506, and 512 and the heading of Part VI and by adding
17 Sections 600, 601.2, 602.5, 602.7, 602.10, 603.5, 603.10,
18 604.10, 606.5, 606.10, 607.5, 609.2, 610.5, and 612 as follows:

19 (750 ILCS 5/102) (from Ch. 40, par. 102)

20 Sec. 102. Purposes; Rules of Construction. This Act shall
21 be liberally construed and applied to promote its underlying
22 purposes, which are to:

23 (1) provide adequate procedures for the solemnization and
24 registration of marriage;

1 (2) strengthen and preserve the integrity of marriage and
2 safeguard family relationships;

3 (3) promote the amicable settlement of disputes that have
4 arisen between parties to a marriage;

5 (4) mitigate the potential harm to ~~the~~ spouses and their
6 children caused by the ~~process of legal~~ dissolution of marriage
7 process, and protect children from exposure to conflict and
8 violence;

9 (5) ensure predictable decision-making for the care of
10 children and for the allocation of parenting time and other
11 parental responsibilities, and avoid prolonged uncertainty by
12 expeditiously resolving issues involving children;

13 (6) recognize the right of children to a healthy
14 relationship with parents or parties in interest, and the
15 responsibility of parents to ensure such a relationship;

16 (7) acknowledge that the determination of children's best
17 interests, and the allocation of parenting time and significant
18 decision-making responsibilities, are among the paramount
19 responsibilities of our system of justice, and to that end:

20 (A) recognize children's right to a strong and healthy
21 relationship with parents or parties in interest, and
22 parents' concomitant right and responsibility to create
23 and maintain such relationships;

24 (B) recognize that, in the absence of domestic violence
25 or any other factor that the court expressly finds to be
26 relevant, proximity to, and frequent contact with, both

1 parents promotes healthy development of children;

2 (C) facilitate parental planning and agreement about
3 the children's upbringing and allocation of parenting time
4 and other parental responsibilities;

5 (D) continue existing parent-child relationships, and
6 secure the maximum involvement and cooperation of parents
7 regarding the physical, mental, moral, and emotional
8 well-being of the children during and after the litigation;
9 and

10 (E) encourage programs to educate parents to:

11 (i) minimize or eliminate rancor and the
12 detrimental effect of litigation in any proceeding
13 involving children; and

14 (ii) facilitate the maximum cooperation of parents
15 in raising their children;

16 (8) ~~(5)~~ make reasonable provision for spouses and minor
17 children during and after litigation, including provision for
18 timely awards of interim fees to all attorneys, including
19 children's representatives, to achieve substantial parity in
20 parties' access to funds for litigation costs;

21 (9) ~~(6)~~ eliminate the consideration of marital misconduct
22 in the adjudication of rights and duties incident to ~~the legal~~
23 dissolution of marriage, legal separation and declaration of
24 invalidity of marriage; and

25 ~~(7) secure the maximum involvement and cooperation of both~~
26 ~~parents regarding the physical, mental, moral and emotional~~

1 ~~well being of the children during and after the litigation; and~~

2 (10) ~~(8)~~ make provision for the preservation and
3 conservation of assets during the litigation.

4 (Source: P.A. 89-712, eff. 6-1-97.)

5 (750 ILCS 5/401) (from Ch. 40, par. 401)

6 Sec. 401. Dissolution of marriage.

7 (a) The court shall enter a judgment of dissolution of
8 marriage if at the time the action was commenced one of the
9 spouses was a resident of this State or was stationed in this
10 State while a member of the armed services, and the residence
11 or military presence had been maintained for 90 days next
12 preceding the commencement of the action or the making of the
13 finding; provided, however, that a finding of residence of a
14 party in any judgment entered under this Act from January 1,
15 1982 through June 30, 1982 shall satisfy the former domicile
16 requirements of this Act; and if one of the following grounds
17 for dissolution has been proved:

18 (1) That, without cause or provocation by the
19 petitioner: the respondent was at the time of such
20 marriage, and continues to be naturally impotent; the
21 respondent had a wife or husband living at the time of the
22 marriage; the respondent had committed adultery subsequent
23 to the marriage; the respondent has wilfully deserted or
24 absented himself or herself from the petitioner for the
25 space of one year, including any period during which

1 litigation may have pended between the spouses for
2 dissolution of marriage or legal separation; the
3 respondent has been guilty of habitual drunkenness for the
4 space of 2 years; the respondent has been guilty of gross
5 and confirmed habits caused by the excessive use of
6 addictive drugs for the space of 2 years, or has attempted
7 the life of the other by poison or other means showing
8 malice, or has been guilty of extreme and repeated physical
9 or mental cruelty, or has been convicted of a felony or
10 other infamous crime; or the respondent has infected the
11 other with a sexually transmitted disease. "Excessive use
12 of addictive drugs", as used in this Section, refers to use
13 of an addictive drug by a person when using the drug
14 becomes a controlling or a dominant purpose of his life; or

15 (2) That the spouses have lived separate and apart for
16 a continuous period in excess of 2 years and irreconcilable
17 differences have caused the irretrievable breakdown of the
18 marriage and the court determines that efforts at
19 reconciliation have failed or that future attempts at
20 reconciliation would be impracticable and not in the best
21 interests of the family. If the spouses have lived separate
22 and apart for a continuous period of not less than 6 months
23 next preceding the entry of the judgment dissolving the
24 marriage, as evidenced by testimony or affidavits of the
25 spouses, the requirement of living separate and apart for a
26 continuous period in excess of 2 years may be waived upon

1 written stipulation of both spouses filed with the court.
2 At any time after the parties cease to cohabit, the
3 following periods shall be included in the period of
4 separation:

5 (A) any period of cohabitation during which the
6 parties attempted in good faith to reconcile and
7 participated in marriage counseling under the guidance
8 of any of the following: a psychiatrist, a clinical
9 psychologist, a clinical social worker, a marriage and
10 family therapist, a person authorized to provide
11 counseling in accordance with the prescriptions of any
12 religious denomination, or a person regularly engaged
13 in providing family or marriage counseling; and

14 (B) any period of cohabitation under written
15 agreement of the parties to attempt to reconcile.

16 In computing the period during which the spouses have lived
17 separate and apart for purposes of this Section, periods during
18 which the spouses were living separate and apart prior to July
19 1, 1984 are included.

20 (b) Judgment shall not be entered unless, to the extent it
21 has jurisdiction to do so, the court has considered, approved,
22 reserved or made provision for allocation of parental
23 responsibilities ~~child custody~~, the support of any child of the
24 marriage entitled to support, the maintenance of either spouse
25 and the disposition of property. The court may enter a judgment
26 for dissolution that reserves any of these issues either upon

1 (i) agreement of the parties, or (ii) motion of either party
2 and a finding by the court that appropriate circumstances
3 exist.

4 The death of a party subsequent to entry of a judgment for
5 dissolution but before judgment on reserved issues shall not
6 abate the proceedings.

7 If any provision of this Section or its application shall
8 be adjudged unconstitutional or invalid for any reason by any
9 court of competent jurisdiction, that judgment shall not
10 impair, affect or invalidate any other provision or application
11 of this Section, which shall remain in full force and effect.

12 (Source: P.A. 89-187, eff. 7-19-95.)

13 (750 ILCS 5/502) (from Ch. 40, par. 502)

14 Sec. 502. Agreement. (a) To promote amicable settlement of
15 disputes between parties to a marriage attendant upon the
16 dissolution of their marriage, the parties may enter into a
17 written or oral agreement containing provisions for
18 disposition of any property owned by either of them,
19 maintenance of either of them and support, ~~custody and~~
20 ~~visitation~~ of their children, and allocation of parental
21 responsibilities and parenting time with respect to their
22 children.

23 (b) The terms of the agreement, except those providing for
24 the support of and allocation of parental responsibilities and
25 parenting time with respect to the, ~~custody and visitation of~~

1 children, are binding upon the court unless it finds, after
2 considering the economic circumstances of the parties and any
3 other relevant evidence produced by the parties, on their own
4 motion or on request of the court, that the agreement is
5 unconscionable.

6 (c) If the court finds the agreement unconscionable, it may
7 request the parties to submit a revised agreement or upon
8 hearing, may make orders for the disposition of property,
9 maintenance, child support and other matters.

10 (d) Unless the agreement provides to the contrary, its
11 terms shall be set forth in the judgment, and the parties shall
12 be ordered to perform under such terms, or if the agreement
13 provides that its terms shall not be set forth in the judgment,
14 the judgment shall identify the agreement and state that the
15 court has approved its terms.

16 (e) Terms of the agreement set forth in the judgment are
17 enforceable by all remedies available for enforcement of a
18 judgment, including contempt, and are enforceable as contract
19 terms.

20 (f) Except for terms concerning the support of and
21 allocation of parental responsibilities or parenting time with
22 respect to the, ~~custody or visitation of~~ children, the judgment
23 may expressly preclude or limit modification of terms set forth
24 in the judgment if the agreement so provides. Otherwise, terms
25 of an agreement set forth in the judgment are automatically
26 modified by modification of the judgment.

1 (Source: P.A. 83-216.)

2 (750 ILCS 5/503) (from Ch. 40, par. 503)

3 Sec. 503. Disposition of property.

4 (a) For purposes of this Act, "marital property" means all
5 property acquired by either spouse subsequent to the marriage,
6 except the following, which is known as "non-marital property":

7 (1) property acquired by gift, legacy or descent;

8 (2) property acquired in exchange for property
9 acquired before the marriage or in exchange for property
10 acquired by gift, legacy or descent;

11 (3) property acquired by a spouse after a judgment of
12 legal separation;

13 (4) property excluded by valid agreement of the
14 parties;

15 (5) any judgment or property obtained by judgment
16 awarded to a spouse from the other spouse;

17 (6) property acquired before the marriage;

18 (7) the increase in value of property acquired by a
19 method listed in paragraphs (1) through (6) of this
20 subsection, irrespective of whether the increase results
21 from a contribution of marital property, non-marital
22 property, the personal effort of a spouse, or otherwise,
23 subject to the right of reimbursement provided in
24 subsection (c) of this Section; and

25 (8) income from property acquired by a method listed in

1 paragraphs (1) through (7) of this subsection if the income
2 is not attributable to the personal effort of a spouse.

3 (b) (1) For purposes of distribution of property pursuant to
4 this Section, all property acquired by either spouse after the
5 marriage and before a judgment of dissolution of marriage or
6 declaration of invalidity of marriage, including non-marital
7 property transferred into some form of co-ownership between the
8 spouses, is presumed to be marital property, regardless of
9 whether title is held individually or by the spouses in some
10 form of co-ownership such as joint tenancy, tenancy in common,
11 tenancy by the entirety, or community property. The presumption
12 of marital property is overcome by a showing that the property
13 was acquired by a method listed in subsection (a) of this
14 Section.

15 (2) For purposes of distribution of property pursuant to
16 this Section, all pension benefits (including pension benefits
17 under the Illinois Pension Code) acquired by either spouse
18 after the marriage and before a judgment of dissolution of
19 marriage or declaration of invalidity of the marriage are
20 presumed to be marital property, regardless of which spouse
21 participates in the pension plan. The presumption that these
22 pension benefits are marital property is overcome by a showing
23 that the pension benefits were acquired by a method listed in
24 subsection (a) of this Section. The right to a division of
25 pension benefits in just proportions under this Section is
26 enforceable under Section 1-119 of the Illinois Pension Code.

1 The value of pension benefits in a retirement system
2 subject to the Illinois Pension Code shall be determined in
3 accordance with the valuation procedures established by the
4 retirement system.

5 The recognition of pension benefits as marital property and
6 the division of those benefits pursuant to a Qualified Illinois
7 Domestic Relations Order shall not be deemed to be a
8 diminishment, alienation, or impairment of those benefits. The
9 division of pension benefits is an allocation of property in
10 which each spouse has a species of common ownership.

11 (3) For purposes of distribution of property under this
12 Section, all stock options granted to either spouse after the
13 marriage and before a judgment of dissolution of marriage or
14 declaration of invalidity of marriage, whether vested or
15 non-vested or whether their value is ascertainable, are
16 presumed to be marital property. This presumption of marital
17 property is overcome by a showing that the stock options were
18 acquired by a method listed in subsection (a) of this Section.
19 The court shall allocate stock options between the parties at
20 the time of the judgment of dissolution of marriage or
21 declaration of invalidity of marriage recognizing that the
22 value of the stock options may not be then determinable and
23 that the actual division of the options may not occur until a
24 future date. In making the allocation between the parties, the
25 court shall consider, in addition to the factors set forth in
26 subsection (d) of this Section, the following:

1 (i) All circumstances underlying the grant of the stock
2 option including but not limited to whether the grant was
3 for past, present, or future efforts, or any combination
4 thereof.

5 (ii) The length of time from the grant of the option to
6 the time the option is exercisable.

7 (c) Commingled marital and non-marital property shall be
8 treated in the following manner, unless otherwise agreed by the
9 spouses:

10 (1) When marital and non-marital property are
11 commingled by contributing one estate of property into
12 another resulting in a loss of identity of the contributed
13 property, the classification of the contributed property
14 is transmuted to the estate receiving the contribution,
15 subject to the provisions of paragraph (2) of this
16 subsection; provided that if marital and non-marital
17 property are commingled into newly acquired property
18 resulting in a loss of identity of the contributing
19 estates, the commingled property shall be deemed
20 transmuted to marital property, subject to the provisions
21 of paragraph (2) of this subsection.

22 (2) When one estate of property makes a contribution to
23 another estate of property, or when a spouse contributes
24 personal effort to non-marital property, the contributing
25 estate shall be reimbursed from the estate receiving the
26 contribution notwithstanding any transmutation; provided,

1 that no such reimbursement shall be made with respect to a
2 contribution which is not retraceable by clear and
3 convincing evidence, or was a gift, or, in the case of a
4 contribution of personal effort of a spouse to non-marital
5 property, unless the effort is significant and results in
6 substantial appreciation of the non-marital property.
7 Personal effort of a spouse shall be deemed a contribution
8 by the marital estate. The court may provide for
9 reimbursement out of the marital property to be divided or
10 by imposing a lien against the non-marital property which
11 received the contribution.

12 (d) In a proceeding for dissolution of marriage or
13 declaration of invalidity of marriage, or in a proceeding for
14 disposition of property following dissolution of marriage by a
15 court which lacked personal jurisdiction over the absent spouse
16 or lacked jurisdiction to dispose of the property, the court
17 shall assign each spouse's non-marital property to that spouse.
18 It also shall divide the marital property without regard to
19 marital misconduct in just proportions considering all
20 relevant factors, including:

21 (1) the contribution of each party to the acquisition,
22 preservation, or increase or decrease in value of the
23 marital or non-marital property, including the
24 contribution of a spouse as a homemaker or to the family
25 unit;

26 (2) the dissipation by each party of the marital or

- 1 non-marital property;
- 2 (3) the value of the property assigned to each spouse;
- 3 (4) the duration of the marriage;
- 4 (5) the relevant economic circumstances of each spouse
- 5 when the division of property is to become effective,
- 6 including the desirability of awarding the family home, or
- 7 the right to live therein for reasonable periods, to the
- 8 spouse having the majority of residential responsibility
- 9 for ~~custody of~~ the children;
- 10 (6) any obligations and rights arising from a prior
- 11 marriage of either party;
- 12 (7) any antenuptial agreement of the parties;
- 13 (8) the age, health, station, occupation, amount and
- 14 sources of income, vocational skills, employability,
- 15 estate, liabilities, and needs of each of the parties;
- 16 (9) the allocation of parental responsibilities with
- 17 respect to ~~custodial provisions for~~ any children;
- 18 (10) whether the apportionment is in lieu of or in
- 19 addition to maintenance;
- 20 (11) the reasonable opportunity of each spouse for
- 21 future acquisition of capital assets and income; and
- 22 (12) the tax consequences of the property division upon
- 23 the respective economic circumstances of the parties.
- 24 (e) Each spouse has a species of common ownership in the
- 25 marital property which vests at the time dissolution
- 26 proceedings are commenced and continues only during the

1 pendency of the action. Any such interest in marital property
2 shall not encumber that property so as to restrict its
3 transfer, assignment or conveyance by the title holder unless
4 such title holder is specifically enjoined from making such
5 transfer, assignment or conveyance.

6 (f) In a proceeding for dissolution of marriage or
7 declaration of invalidity of marriage or in a proceeding for
8 disposition of property following dissolution of marriage by a
9 court that lacked personal jurisdiction over the absent spouse
10 or lacked jurisdiction to dispose of the property, the court,
11 in determining the value of the marital and non-marital
12 property for purposes of dividing the property, shall value the
13 property as of the date of trial or some other date as close to
14 the date of trial as is practicable.

15 (g) The court if necessary to protect and promote the best
16 interests of the children may set aside a portion of the
17 jointly or separately held estates of the parties in a separate
18 fund or trust for the support, maintenance, education, physical
19 and mental health, and general welfare of any minor, dependent,
20 or incompetent child of the parties. In making a determination
21 under this subsection, the court may consider, among other
22 things, the conviction of a party of any of the offenses set
23 forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13,
24 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 if
25 the victim is a child of one or both of the parties, and there
26 is a need for, and cost of, care, healing and counseling for

1 the child who is the victim of the crime.

2 (h) Unless specifically directed by a reviewing court, or
3 upon good cause shown, the court shall not on remand consider
4 any increase or decrease in the value of any "marital" or
5 "non-marital" property occurring since the assessment of such
6 property at the original trial or hearing, but shall use only
7 that assessment made at the original trial or hearing.

8 (i) The court may make such judgments affecting the marital
9 property as may be just and may enforce such judgments by
10 ordering a sale of marital property, with proceeds therefrom to
11 be applied as determined by the court.

12 (j) After proofs have closed in the final hearing on all
13 other issues between the parties (or in conjunction with the
14 final hearing, if all parties so stipulate) and before judgment
15 is entered, a party's petition for contribution to fees and
16 costs incurred in the proceeding shall be heard and decided, in
17 accordance with the following provisions:

18 (1) A petition for contribution, if not filed before
19 the final hearing on other issues between the parties,
20 shall be filed no later than 30 days after the closing of
21 proofs in the final hearing or within such other period as
22 the court orders.

23 (2) Any award of contribution to one party from the
24 other party shall be based on the criteria for division of
25 marital property under this Section 503 and, if maintenance
26 has been awarded, on the criteria for an award of

1 maintenance under Section 504.

2 (3) The filing of a petition for contribution shall not
3 be deemed to constitute a waiver of the attorney-client
4 privilege between the petitioning party and current or
5 former counsel; and such a waiver shall not constitute a
6 prerequisite to a hearing for contribution. If either
7 party's presentation on contribution, however, includes
8 evidence within the scope of the attorney-client
9 privilege, the disclosure or disclosures shall be narrowly
10 construed and shall not be deemed by the court to
11 constitute a general waiver of the privilege as to matters
12 beyond the scope of the presentation.

13 (4) No finding on which a contribution award is based
14 or denied shall be asserted against counsel or former
15 counsel for purposes of any hearing under subsection (c) or
16 (e) of Section 508.

17 (5) A contribution award (payable to either the
18 petitioning party or the party's counsel, or jointly, as
19 the court determines) may be in the form of either a set
20 dollar amount or a percentage of fees and costs (or a
21 portion of fees and costs) to be subsequently agreed upon
22 by the petitioning party and counsel or, alternatively,
23 thereafter determined in a hearing pursuant to subsection
24 (c) of Section 508 or previously or thereafter determined
25 in an independent proceeding under subsection (e) of
26 Section 508.

1 (6) The changes to this Section 503 made by this
2 amendatory Act of 1996 apply to cases pending on or after
3 June 1, 1997, except as otherwise provided in Section 508.
4 (Source: P.A. 95-374, eff. 1-1-08.)

5 (750 ILCS 5/505) (from Ch. 40, par. 505)

6 Sec. 505. Child support; contempt; penalties.

7 (a) In a proceeding for dissolution of marriage, legal
8 separation, declaration of invalidity of marriage, a
9 proceeding for child support following dissolution of the
10 marriage by a court which lacked personal jurisdiction over the
11 absent spouse, a proceeding for modification of a previous
12 order for child support under Section 510 of this Act, or any
13 proceeding authorized under Section 501 or 601 of this Act, the
14 court may order any parent ~~either or both parents~~ owing a duty
15 of support to a child of the marriage to pay an amount
16 reasonable and necessary for his support, without regard to
17 marital misconduct. The duty of support owed to a child
18 includes the obligation to provide for the reasonable and
19 necessary physical, mental and emotional health needs of the
20 child. For purposes of this Section, the term "child" shall
21 include any child under age 18 and any child under age 19 who
22 is still attending high school. For purposes of this Section,
23 the term "payor parent" means the parent obligated to pay
24 support to the other parent.

25 (1) The Court shall determine the minimum amount of

1 support by using the following guidelines:

2	Number of Children	Percent of Supporting Party's
3		Net Income
4	1	20%
5	2	28%
6	3	32%
7	4	40%
8	5	45%
9	6 or more	50%

10 (2) The above guidelines shall be applied in each case
 11 unless the court makes a finding that application of the
 12 guidelines would be inappropriate, after considering the
 13 best interests of the child in light of evidence including
 14 but not limited to one or more of the following relevant
 15 factors:

16 (a) the financial resources and needs of the child;

17 (b) the financial resources and needs of the
 18 parents ~~custodial parent~~;

19 (c) the standard of living the child would have
 20 enjoyed had the marriage not been dissolved; and

21 (d) the physical and emotional condition of the
 22 child, and his educational needs. ~~and~~

23 ~~(e) the financial resources and needs of the~~
 24 ~~non-custodial parent.~~

25 If the court deviates from the guidelines, the court's
 26 finding shall state the amount of support that would have

1 been required under the guidelines, if determinable. The
2 court shall include the reason or reasons for the variance
3 from the guidelines.

4 (3) "Net income" is defined as the total of all income
5 from all sources, minus the following deductions:

6 (a) Federal income tax (properly calculated
7 withholding or estimated payments);

8 (b) State income tax (properly calculated
9 withholding or estimated payments);

10 (c) Social Security (FICA payments);

11 (d) Mandatory retirement contributions required by
12 law or as a condition of employment;

13 (e) Union dues;

14 (f) Dependent and individual
15 health/hospitalization insurance premiums;

16 (g) Prior obligations of support or maintenance
17 actually paid pursuant to a court order;

18 (h) Expenditures for repayment of debts that
19 represent reasonable and necessary expenses for the
20 production of income, medical expenditures necessary
21 to preserve life or health, reasonable expenditures
22 for the benefit of the child and the other parent,
23 exclusive of gifts. The court shall reduce net income
24 in determining the minimum amount of support to be
25 ordered only for the period that such payments are due
26 and shall enter an order containing provisions for its

1 self-executing modification upon termination of such
2 payment period.

3 (4) In cases where the court order provides for
4 health/hospitalization insurance coverage pursuant to
5 Section 505.2 of this Act, the premiums for that insurance,
6 or that portion of the premiums for which the supporting
7 party is responsible in the case of insurance provided
8 through an employer's health insurance plan where the
9 employer pays a portion of the premiums, shall be
10 subtracted from net income in determining the minimum
11 amount of support to be ordered.

12 (4.5) In a proceeding for child support following
13 dissolution of the marriage by a court that lacked personal
14 jurisdiction over the absent spouse, and in which the court
15 is requiring payment of support for the period before the
16 date an order for current support is entered, there is a
17 rebuttable presumption that the supporting party's net
18 income for the prior period was the same as his or her net
19 income at the time the order for current support is
20 entered.

21 (5) If the net income cannot be determined because of
22 default or any other reason, the court shall order support
23 in an amount considered reasonable in the particular case.
24 The final order in all cases shall state the support level
25 in dollar amounts. However, if the court finds that the
26 child support amount cannot be expressed exclusively as a

1 dollar amount because all or a portion of the payor's net
2 income is uncertain as to source, time of payment, or
3 amount, the court may order a percentage amount of support
4 in addition to a specific dollar amount and enter such
5 other orders as may be necessary to determine and enforce,
6 on a timely basis, the applicable support ordered.

7 (6) If (i) the payor ~~non-custodial~~ parent was properly
8 served with a request for discovery of financial
9 information relating to the payor ~~non-custodial~~ parent's
10 ability to provide child support, (ii) the payor
11 ~~non-custodial~~ parent failed to comply with the request,
12 despite having been ordered to do so by the court, and
13 (iii) the payor ~~non-custodial~~ parent is not present at the
14 hearing to determine support despite having received
15 proper notice, then any relevant financial information
16 concerning the payor ~~non-custodial~~ parent's ability to
17 provide child support that was obtained pursuant to
18 subpoena and proper notice shall be admitted into evidence
19 without the need to establish any further foundation for
20 its admission.

21 (a-5) In an action to enforce an order for support based on
22 the respondent's failure to make support payments as required
23 by the order, notice of proceedings to hold the respondent in
24 contempt for that failure may be served on the respondent by
25 personal service or by regular mail addressed to the
26 respondent's last known address. The respondent's last known

1 address may be determined from records of the clerk of the
2 court, from the Federal Case Registry of Child Support Orders,
3 or by any other reasonable means.

4 (b) Failure of any ~~either~~ parent to comply with an order to
5 pay support shall be punishable as in other cases of contempt.
6 In addition to other penalties provided by law the Court may,
7 after finding the parent guilty of contempt, order that the
8 parent be:

9 (1) placed on probation with such conditions of
10 probation as the Court deems advisable;

11 (2) sentenced to periodic imprisonment for a period not
12 to exceed 6 months; provided, however, that the Court may
13 permit the parent to be released for periods of time during
14 the day or night to:

15 (A) work; or

16 (B) conduct a business or other self-employed
17 occupation.

18 The Court may further order any part or all of the earnings
19 of a parent during a sentence of periodic imprisonment paid to
20 the Clerk of the Circuit Court or to the parent having the
21 majority of residential responsibility ~~custody~~ or to the
22 guardian having the majority of residential responsibility for
23 ~~custody~~ of the children of the sentenced parent for the support
24 of said children until further order of the Court.

25 If there is a unity of interest and ownership sufficient to
26 render no financial separation between a payor ~~non-custodial~~

1 parent and another person or persons or business entity, the
2 court may pierce the ownership veil of the person, persons, or
3 business entity to discover assets of the non-custodial parent
4 held in the name of that person, those persons, or that
5 business entity. The following circumstances are sufficient to
6 authorize a court to order discovery of the assets of a person,
7 persons, or business entity and to compel the application of
8 any discovered assets toward payment on the judgment for
9 support:

10 (1) the payor ~~non-custodial~~ parent and the person,
11 persons, or business entity maintain records together.

12 (2) the payor ~~non-custodial~~ parent and the person,
13 persons, or business entity fail to maintain an arms length
14 relationship between themselves with regard to any assets.

15 (3) the payor ~~non-custodial~~ parent transfers assets to
16 the person, persons, or business entity with the intent to
17 perpetrate a fraud on the ~~custodial~~ parent receiving the
18 support.

19 With respect to assets which are real property, no order
20 entered under this paragraph shall affect the rights of bona
21 fide purchasers, mortgagees, judgment creditors, or other lien
22 holders who acquire their interests in the property prior to
23 the time a notice of lis pendens pursuant to the Code of Civil
24 Procedure or a copy of the order is placed of record in the
25 office of the recorder of deeds for the county in which the
26 real property is located.

1 The court may also order in cases where the parent is 90
2 days or more delinquent in payment of support or has been
3 adjudicated in arrears in an amount equal to 90 days obligation
4 or more, that the parent's Illinois driving privileges be
5 suspended until the court determines that the parent is in
6 compliance with the order of support. The court may also order
7 that the parent be issued a family financial responsibility
8 driving permit that would allow limited driving privileges for
9 employment and medical purposes in accordance with Section
10 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
11 court shall certify the order suspending the driving privileges
12 of the parent or granting the issuance of a family financial
13 responsibility driving permit to the Secretary of State on
14 forms prescribed by the Secretary. Upon receipt of the
15 authenticated documents, the Secretary of State shall suspend
16 the parent's driving privileges until further order of the
17 court and shall, if ordered by the court, subject to the
18 provisions of Section 7-702.1 of the Illinois Vehicle Code,
19 issue a family financial responsibility driving permit to the
20 parent.

21 In addition to the penalties or punishment that may be
22 imposed under this Section, any person whose conduct
23 constitutes a violation of Section 15 of the Non-Support
24 Punishment Act may be prosecuted under that Act, and a person
25 convicted under that Act may be sentenced in accordance with
26 that Act. The sentence may include but need not be limited to a

1 requirement that the person perform community service under
2 Section 50 of that Act or participate in a work alternative
3 program under Section 50 of that Act. A person may not be
4 required to participate in a work alternative program under
5 Section 50 of that Act if the person is currently participating
6 in a work program pursuant to Section 505.1 of this Act.

7 A support obligation, or any portion of a support
8 obligation, which becomes due and remains unpaid as of the end
9 of each month, excluding the child support that was due for
10 that month to the extent that it was not paid in that month,
11 shall accrue simple interest as set forth in Section 12-109 of
12 the Code of Civil Procedure. An order for support entered or
13 modified on or after January 1, 2006 shall contain a statement
14 that a support obligation required under the order, or any
15 portion of a support obligation required under the order, that
16 becomes due and remains unpaid as of the end of each month,
17 excluding the child support that was due for that month to the
18 extent that it was not paid in that month, shall accrue simple
19 interest as set forth in Section 12-109 of the Code of Civil
20 Procedure. Failure to include the statement in the order for
21 support does not affect the validity of the order or the
22 accrual of interest as provided in this Section.

23 (c) A one-time charge of 20% is imposable upon the amount
24 of past-due child support owed on July 1, 1988 which has
25 accrued under a support order entered by the court. The charge
26 shall be imposed in accordance with the provisions of Section

1 10-21 of the Illinois Public Aid Code and shall be enforced by
2 the court upon petition.

3 (d) Any new or existing support order entered by the court
4 under this Section shall be deemed to be a series of judgments
5 against the person obligated to pay support thereunder, each
6 such judgment to be in the amount of each payment or
7 installment of support and each such judgment to be deemed
8 entered as of the date the corresponding payment or installment
9 becomes due under the terms of the support order. Each such
10 judgment shall have the full force, effect and attributes of
11 any other judgment of this State, including the ability to be
12 enforced. A lien arises by operation of law against the real
13 and personal property of the payor ~~noncustodial~~ parent for each
14 installment of overdue support owed by the payor ~~noncustodial~~
15 parent.

16 (e) When child support is to be paid through the clerk of
17 the court in a county of 1,000,000 inhabitants or less, the
18 order shall direct the obligor to pay to the clerk, in addition
19 to the child support payments, all fees imposed by the county
20 board under paragraph (3) of subsection (u) of Section 27.1 of
21 the Clerks of Courts Act. Unless paid in cash or pursuant to an
22 order for withholding, the payment of the fee shall be by a
23 separate instrument from the support payment and shall be made
24 to the order of the Clerk.

25 (f) All orders for support, when entered or modified, shall
26 include a provision requiring the payor ~~obligor~~ to notify the

1 court and, in cases in which a party is receiving child and
2 spouse services under Article X of the Illinois Public Aid
3 Code, the ~~Illinois~~ Department of Healthcare and Family Services
4 ~~Public Aid~~, within 7 days, (i) of the name and address of any
5 new employer of the payor ~~obligor~~, (ii) whether the payor
6 ~~obligor~~ has access to health insurance coverage through the
7 employer or other group coverage and, if so, the policy name
8 and number and the names of persons covered under the policy,
9 and (iii) of any new residential or mailing address or
10 telephone number of the payor ~~non-custodial~~ parent. In any
11 subsequent action to enforce a support order, upon a sufficient
12 showing that a diligent effort has been made to ascertain the
13 location of the payor ~~non-custodial~~ parent, service of process
14 or provision of notice necessary in the case may be made at the
15 last known address of the payor ~~non-custodial~~ parent in any
16 manner expressly provided by the Code of Civil Procedure or
17 this Act, which service shall be sufficient for purposes of due
18 process.

19 (g) An order for support shall include a date on which the
20 current support obligation terminates. The termination date
21 shall be no earlier than the date on which the child covered by
22 the order will attain the age of 18. However, if the child will
23 not graduate from high school until after attaining the age of
24 18, then the termination date shall be no earlier than the
25 earlier of the date on which the child's high school graduation
26 will occur or the date on which the child will attain the age

1 of 19. The order for support shall state that the termination
2 date does not apply to any arrearage that may remain unpaid on
3 that date. Nothing in this subsection shall be construed to
4 prevent the court from modifying the order or terminating the
5 order in the event the child is otherwise emancipated.

6 (g-5) If there is an unpaid arrearage or delinquency (as
7 those terms are defined in the Income Withholding for Support
8 Act) equal to at least one month's support obligation on the
9 termination date stated in the order for support or, if there
10 is no termination date stated in the order, on the date the
11 child attains the age of majority or is otherwise emancipated,
12 the periodic amount required to be paid for current support of
13 that child immediately prior to that date shall automatically
14 continue to be an obligation, not as current support but as
15 periodic payment toward satisfaction of the unpaid arrearage or
16 delinquency. That periodic payment shall be in addition to any
17 periodic payment previously required for satisfaction of the
18 arrearage or delinquency. The total periodic amount to be paid
19 toward satisfaction of the arrearage or delinquency may be
20 enforced and collected by any method provided by law for
21 enforcement and collection of child support, including but not
22 limited to income withholding under the Income Withholding for
23 Support Act. Each order for support entered or modified on or
24 after the effective date of this amendatory Act of the 93rd
25 General Assembly must contain a statement notifying the parties
26 of the requirements of this subsection. Failure to include the

1 statement in the order for support does not affect the validity
2 of the order or the operation of the provisions of this
3 subsection with regard to the order. This subsection shall not
4 be construed to prevent or affect the establishment or
5 modification of an order for support of a minor child or the
6 establishment or modification of an order for support of a
7 non-minor child or educational expenses under Section 513 of
8 this Act.

9 (h) An order entered under this Section shall include a
10 provision requiring the payor ~~obligor~~ to report to the payee
11 ~~obligee~~ and to the clerk of court within 10 days each time the
12 payor ~~obligor~~ obtains new employment, and each time the payor's
13 ~~obligor's~~ employment is terminated for any reason. The report
14 shall be in writing and shall, in the case of new employment,
15 include the name and address of the new employer. Failure to
16 report new employment or the termination of current employment,
17 if coupled with nonpayment of support for a period in excess of
18 60 days, is indirect criminal contempt. For any payor ~~obligor~~
19 arrested for failure to report new employment bond shall be set
20 in the amount of the child support that should have been paid
21 during the period of unreported employment. An order entered
22 under this Section shall also include a provision requiring the
23 payor ~~obligor~~ and payee ~~obligee~~ parents to advise each other of
24 a change in residence within 5 days of the change except when
25 the court finds that the physical, mental, or emotional health
26 of a party or that of a child, or both, would be seriously

1 endangered by disclosure of the party's address.

2 (i) The court does not lose the powers of contempt,
3 driver's license suspension, or other child support
4 enforcement mechanisms, including, but not limited to,
5 criminal prosecution as set forth in this Act, upon the
6 emancipation of the minor child or children.

7 (Source: P.A. 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05;
8 94-90, eff. 1-1-06; revised 12-15-05.)

9 (750 ILCS 5/506) (from Ch. 40, par. 506)

10 Sec. 506. Representation of child.

11 (a) Duties. In any proceedings involving the support of a
12 minor or dependent child, allocation of parental
13 responsibilities or parenting time with respect to a minor or
14 dependent child, ~~custody, visitation,~~ education, parentage,
15 property interest, or general welfare of a minor or dependent
16 child, the court may, on its own motion or that of any party,
17 appoint an attorney to serve in one of the following capacities
18 to address the issues the court delineates:

19 (1) Attorney. The attorney shall provide independent
20 legal counsel for the child and shall owe the same duties
21 of undivided loyalty, confidentiality, and competent
22 representation as are due an adult client.

23 (2) Guardian ad litem. The guardian ad litem shall
24 testify or submit a written report to the court regarding
25 his or her recommendations in accordance with the best

1 interest of the child. The report shall be made available
2 to all parties. The guardian ad litem may be called as a
3 witness for purposes of cross-examination regarding the
4 guardian ad litem's report or recommendations. The
5 guardian ad litem shall investigate the facts of the case
6 and interview the child and the parties.

7 (3) Child representative. The child representative
8 shall advocate what the child representative finds to be in
9 the best interests of the child after reviewing the facts
10 and circumstances of the case. The child representative
11 shall meet with the child and the parties, investigate the
12 facts of the case, and encourage settlement and the use of
13 alternative forms of dispute resolution. The child
14 representative shall have the same authority and
15 obligation to participate in the litigation as does an
16 attorney for a party and shall possess all the powers of
17 investigation as does a guardian ad litem. The child
18 representative shall consider, but not be bound by, the
19 expressed wishes of the child. A child representative shall
20 have received training in child advocacy or shall possess
21 such experience as determined to be equivalent to such
22 training by the chief judge of the circuit where the child
23 representative has been appointed. The child
24 representative shall not disclose confidential
25 communications made by the child, except as required by law
26 or by the Rules of Professional Conduct. The child

1 representative shall not render an opinion,
2 recommendation, or report to the court and shall not be
3 called as a witness, but shall offer evidence-based legal
4 arguments. The child representative shall disclose the
5 position as to what the child representative intends to
6 advocate in a pre-trial memorandum that shall be served
7 upon all counsel of record prior to the trial. The position
8 disclosed in the pre-trial memorandum shall not be
9 considered evidence. The court and the parties may consider
10 the position of the child representative for purposes of a
11 settlement conference.

12 (a-3) Additional appointments. During the proceedings the
13 court may appoint an additional attorney to serve in the
14 capacity described in subdivision (a)(1) or an additional
15 attorney to serve in another of the capacities described in
16 subdivision (a)(2) or (a)(3) on the court's own motion or that
17 of a party only for good cause shown and when the reasons for
18 the additional appointment are set forth in specific findings.

19 (a-5) Appointment considerations. In deciding whether to
20 make an appointment of an attorney for the minor child, a
21 guardian ad litem, or a child representative, the court shall
22 consider the nature and adequacy of the evidence to be
23 presented by the parties and the availability of other methods
24 of obtaining information, including social service
25 organizations and evaluations by mental health professions, as
26 well as resources for payment.

1 In no event is this Section intended to or designed to
2 abrogate the decision making power of the trier of fact. Any
3 appointment made under this Section is not intended to nor
4 should it serve to place any appointed individual in the role
5 of a surrogate judge.

6 (b) Fees and costs. The court shall enter an order as
7 appropriate for costs, fees, and disbursements, including a
8 retainer, when the attorney, guardian ad litem, or child's
9 representative is appointed. Any person appointed under this
10 Section shall file with the court within 90 days of his or her
11 appointment, and every subsequent 90-day period thereafter
12 during the course of his or her representation, a detailed
13 invoice for services rendered with a copy being sent to each
14 party. The court shall review the invoice submitted and approve
15 the fees, if they are reasonable and necessary. Any order
16 approving the fees shall require payment by either or both
17 parents, by any other party or source, or from the marital
18 estate or the child's separate estate. The court may not order
19 payment by the ~~Illinois~~ Department of Healthcare and Family
20 Services ~~Public Aid~~ in cases in which the Department is
21 providing child support enforcement services under Article X of
22 the Illinois Public Aid Code. Unless otherwise ordered by the
23 court at the time fees and costs are approved, all fees and
24 costs payable to an attorney, guardian ad litem, or child
25 representative under this Section are by implication deemed to
26 be in the nature of support of the child and are within the

1 exceptions to discharge in bankruptcy under 11 U.S.C.A. 523.
2 The provisions of Sections 501 and 508 of this Act shall apply
3 to fees and costs for attorneys appointed under this Section.
4 (Source: P.A. 94-640, eff. 1-1-06; revised 12-15-05.)

5 (750 ILCS 5/512) (from Ch. 40, par. 512)

6 Sec. 512. Post-Judgment Venue.) After 30 days from the
7 entry of a judgment of dissolution of marriage or the last
8 modification thereof, any further proceedings to enforce or
9 modify the judgment shall be as follows:

10 (a) If the respondent does not then reside within this
11 State, further proceedings shall be had either in the judicial
12 circuit wherein the moving party resides or where the judgment
13 was entered or last modified.

14 (b) If one or both of the parties then resides in the
15 judicial circuit wherein the judgment was entered or last
16 modified, further proceedings shall be had in the judicial
17 circuit that last exercised jurisdiction in the matter;
18 provided, however, that the court may in its discretion,
19 transfer matters involving a change in allocation of parental
20 responsibilities ~~child custody~~ to the judicial circuit where
21 the minor or dependent child resides.

22 (c) If neither party then resides in the judicial circuit
23 wherein the judgment was entered or last modified, further
24 proceedings shall be had in that circuit or in the judicial
25 circuit wherein either party resides or where the respondent is

1 actively employed; provided, however, that the court may, in
2 its discretion, transfer matters involving a change in
3 allocation of parental responsibilities ~~child custody~~ to the
4 judicial circuit where the minor or dependent child resides.

5 (d) Objection to venue is waived if not made within such
6 time as the respondent's answer is due. Counter relief shall be
7 heard and determined by the court hearing any matter already
8 pending.

9 (Source: P.A. 80-923.)

10 (750 ILCS 5/Pt. VI heading)

11 PART VI

12 ALLOCATION OF PARENTAL RESPONSIBILITIES ~~CUSTODY~~

13 (750 ILCS 5/600 new)

14 Sec. 600. Definitions. For purposes of this Part VI:

15 "Abuse" has the meaning ascribed to that term in Section
16 103 of the Illinois Domestic Violence Act of 1986.

17 "Allocation judgment" means a judgment allocating parental
18 responsibilities.

19 "Caretaking functions" means tasks that involve
20 interaction with a child or that direct, arrange, and supervise
21 the interaction with and care of a child provided by others.
22 The term includes, but is not limited to, the following:

23 (1) Satisfying a child's nutritional needs; managing a
24 child's bedtime and wake-up routines; caring for a child

1 when the child is sick or injured; being attentive to a
2 child's personal hygiene needs, including washing,
3 grooming, and dressing; playing with a child and arranging
4 for recreation; protecting a child's physical safety; and
5 providing transportation for a child.

6 (2) Directing a child's various developmental needs,
7 including the acquisition of motor and language skills,
8 toilet training, self-confidence, and maturation.

9 (3) Providing discipline, giving instruction in
10 manners, assigning and supervising chores, and performing
11 other tasks that attend to a child's needs for behavioral
12 control and self-restraint.

13 (4) Arranging for a child's education, including
14 arranging for remedial or special services appropriate to
15 the child's needs and interests, communicating with
16 teachers and counselors, and supervising homework.

17 (5) Helping a child develop and maintain appropriate
18 interpersonal relationships with peers, siblings, and
19 other family members.

20 (6) Arranging for health-care providers, medical
21 follow-up, and home health care for a child.

22 (7) Providing moral and ethical guidance for a child.

23 (8) Arranging alternative care for a child by a family
24 member, babysitter, or other child-care provider or
25 facility, including investigating such alternatives,
26 communicating with providers, and supervising such care.

1 "Party with interest" means a person, other than a legal
2 parent or an equitable parent of a child, who, for reasons
3 other than financial compensation, has resided with the child
4 for a period of not less than 6 months and who has:

5 (1) formed a parent-child relationship with the child,
6 with the agreement of at least one legal parent of the
7 child; and

8 (2) prior to the petition being filed, regularly
9 performed substantial caretaking functions for the child
10 for a period of not less than 2 continuous years, or, if
11 the child is less than 2 years of age, since the child's
12 birth.

13 "Equitable parent" means a person other than a legal parent
14 of a child who has not had his or her rights with respect to a
15 child terminated by court or administrative order and who:

16 (A) for reasons other than financial compensation, for
17 at least 2 continuous years, or continuously since the
18 child's birth if the child is under 2 years of age, resided
19 with the child, and (1) formed a parent-child relationship
20 with the child, with the agreement of the child's legal
21 parent, or, if there are 2 legal parents, both parents, and
22 regularly exercised parental responsibilities while
23 residing with the child; or (2) formed a reasonable, good
24 faith belief that he was the child's biological parent,
25 based on marriage to the child's legal parent, or on the
26 actions or representations of that legal parent, and (a)

1 regularly exercised parental responsibilities consistent
2 with that belief while residing with the child, and (b)
3 continued to make reasonable, good faith efforts to
4 exercise parental responsibilities with respect to the
5 child if thereafter that belief no longer existed; or (3)
6 held himself or herself out as the child's parent while
7 regularly exercising parental responsibilities under an
8 oral or written agreement to rear the child together with
9 the child's legal parent, or, if there are 2 legal parents,
10 both parents; or

11 (B) is obligated by court or administrative order to
12 pay child support for the child.

13 "Legal parent", unless a parent's rights have been
14 terminated by court or administrative order, means:

15 (1) Adoptive parent of a child;

16 (2) Natural or presumed parent as provided in Section 3
17 of the Illinois Parentage Act, Sections 4(1), 5, and 6 of
18 the Illinois Parentage Act of 1984, or Section 15 of the
19 Gestational Surrogacy Act; or

20 (3) A person determined to be a natural parent by court
21 or administrative order.

22 "Parent" means a legal parent or an equitable parent.

23 "Legal parent" means a biological or adoptive parent of a
24 child.

25 "Parent" means a legal parent, a de facto parent, or an
26 equitable parent.

1 "Parental responsibilities" means both parenting time and
2 significant decision-making responsibilities with respect to a
3 child.

4 "Parenting time" means the time during which a parent or a
5 party with interest is physically with a child and exercises
6 caretaking functions and non-significant decision-making
7 responsibilities with respect to the child.

8 "Parenting plan" means a written agreement that allocates
9 significant decision-making responsibilities, parenting time,
10 or both.

11 "Relocation" means a change of residence for more than 90
12 days that significantly impairs a parent's ability to exercise
13 the parental responsibilities that the parent has been
14 exercising or is entitled to exercise under a parenting plan or
15 allocation judgment.

16 "Religious upbringing" means the choice of religion or
17 denomination of a religion, religious schooling, religious
18 training, or participation in religious customs or practices.

19 "Residential responsibility" means the amount of time a
20 child spends in a parent's care.

21 "Restriction of parenting time" means any limitation or
22 condition placed on parenting time, including supervision.

23 "Significant decision-making" means deciding issues of
24 long-term importance in the life of a child.

25 "Stepparent" means a person, other than a biological or
26 adoptive parent, who is or was married to a legal parent.

1 "Supervision" means the presence of a third party during an
2 exercise of parenting time by a parent or party with interest.

3 (750 ILCS 5/601.2 new)

4 Sec. 601.2. Jurisdiction; commencement of proceeding.

5 (a) A court of this State that is competent to allocate
6 parental responsibilities has jurisdiction to make such an
7 allocation in original or modification proceedings as provided
8 in Section 201 of the Uniform Child-Custody Jurisdiction and
9 Enforcement Act as adopted by this State.

10 (b) A proceeding for allocation of parental
11 responsibilities with respect to a child is commenced in the
12 court:

13 (1) By a legal parent, by filing a petition in the
14 county in which the child resides for dissolution of
15 marriage or legal separation or declaration of invalidity
16 of marriage or for allocation of parental
17 responsibilities.

18 (2) By an equitable parent, as that term is defined in
19 Section 600, but only if such person files a petition for
20 allocation of parental responsibilities under Section
21 602.5 or 602.7, and only if the petition:

22 (A) is filed in the county in which the child
23 resides:

24 (B) alleges that it is in the child's best
25 interests for the equitable parent to continue

1 exercising parental responsibilities, as provided in
2 Sections 602.5 and 602.7;

3 (C) is filed within 90 days after the termination
4 of the equitable parent's residing with the child.

5 (3) By a party with interest, as that term is defined
6 in Section 600, but only if such person files a petition
7 for allocation of parenting time under Section 602.7, and
8 only if the petition:

9 (A) is filed in the county in which the child
10 resides;

11 (B) alleges that it is in the child's best
12 interests for the party with interest to be allocated
13 parenting time as provided in Section 602.7;

14 (C) is filed within 90 days after the termination
15 of the party with interest's residing with the child.

16 (c) When a proceeding for allocation of parental
17 responsibilities is commenced, the party commencing the action
18 must, at least 30 days before any hearing on the petition,
19 serve a written notice and a copy of the petition on the
20 child's parent and on any party previously appearing in any
21 prior proceeding for allocation of parental responsibilities
22 with respect to the child. Service of notice is not required if
23 a parent's parental rights have been terminated. Nothing in
24 this Section shall preclude a party in a proceeding for
25 allocation of parental responsibilities from moving for a
26 temporary order under Section 602.5.

1 (750 ILCS 5/602.5 new)

2 Sec. 602.5. Allocation of parental responsibilities:
3 decision-making.

4 (a) Generally. The court shall allocate decision-making
5 responsibilities according to the child's best interests.
6 Nothing in this Act requires that every parent be allocated
7 decision-making responsibilities.

8 (b) Allocation of significant decision-making
9 responsibilities. If a legal parent is consistently exercising
10 parental responsibilities with respect to the child, the court
11 shall not allocate significant decision-making
12 responsibilities to an equitable parent as defined in Section
13 600. Unless the parents agree in writing on an allocation of
14 significant decision-making responsibilities, the court shall
15 make the determination. The court shall allocate to one or more
16 of the parents the significant decision-making responsibility
17 for each significant issue affecting the child. Those
18 significant issues shall include, without limitation, the
19 following:

20 (1) Education, including the choice of schools and
21 tutors.

22 (2) Health, including all decisions relating to the
23 medical, dental, and psychological needs of the child and
24 to the treatments arising or resulting from those needs.

25 (3) Religion, subject to the following provisions:

1 (A) The court shall allocate parental
2 responsibility for the child's religious upbringing in
3 accordance with any express or implied agreement
4 between the parents.

5 (B) The court shall consider evidence of the
6 parents' past conduct as to the child's religious
7 upbringing in allocating parental responsibilities
8 consistent with demonstrated past conduct in the
9 absence of an express or implied agreement between the
10 parents.

11 (C) The court shall not allocate any aspect of the
12 child's religious upbringing if it determines that the
13 parents do not or did not have an express or implied
14 agreement for such religious upbringing or that there
15 is insufficient evidence to demonstrate a course of
16 conduct regarding the child's religious upbringing
17 that could serve as a basis for any such order.

18 (4) Extracurricular activities.

19 (c) Determination of child's best interests. In
20 determining the child's best interests for purposes of
21 allocating significant decision-making responsibilities, the
22 court shall consider all relevant factors, including, without
23 limitation, the following:

24 (1) The wishes of a child after taking into
25 consideration the child's age and maturity.

26 (2) The child's adjustment to his or her home, school,

1 and community.

2 (3) The mental and physical health of all individuals
3 involved.

4 (4) The ability of the parents to cooperate to make
5 decisions, or the level of conflict between the parties
6 that may affect their ability to share decision-making.

7 (5) The level of each parent's participation in past
8 significant decision-making with respect to the child.

9 (6) Any prior agreement or course of conduct between
10 the parents relating to decision-making with respect to the
11 child.

12 (7) The wishes of the parents.

13 (8) The child's needs in light of economic, physical,
14 or other circumstances.

15 (9) The distance between the parents' residences, the
16 cost and difficulty of transporting the child, each
17 parent's and the child's daily schedules, and the ability
18 of the parents to cooperate in the arrangement.

19 (10) Whether a restriction on decision-making is
20 appropriate under Section 603.10.

21 (11) The occurrence of abuse, whether directed against
22 the child or directed against another person.

23 (12) The abuse or threat of abuse by a parent, whether
24 directed against the child or directed against another
25 person.

26 (13) Any other factor that the court expressly finds to

1 be relevant.

2 (d) If, over the prior 24 months preceding the filing of
3 the petition, or since the child's birth if the child is under
4 age 2, each parent has regularly been exercising significant
5 decision-making responsibilities with respect to the child,
6 the court shall consider whether it is in the child's best
7 interests to allocate one or more significant decision-making
8 responsibilities to each parent. There shall be a rebuttable
9 presumption if there has been a history of domestic violence or
10 abuse that a parent may not be allocated significant
11 decision-making responsibilities.

12 (e) A parent shall have sole responsibility for making
13 routine decisions with respect to the child and for emergency
14 decisions affecting the child's health and safety during that
15 parent's parenting time.

16 (f) In allocating significant decision-making
17 responsibilities, the court shall exclude from consideration
18 all conduct of a parent that does not have an effect on that
19 parent's relationship to the child.

20 (750 ILCS 5/602.7 new)

21 Sec. 602.7. Allocation of parental responsibilities:
22 parenting time.

23 (a) Generally. The court shall allocate parenting time
24 according to the child's best interests.

25 (b) Allocation of parenting time. Unless the parties

1 present an agreed written and notarized parenting plan and that
2 plan is approved by the court, the court shall allocate
3 parenting time. The court shall not place any restrictions on
4 parenting time as defined in Section 600 and described in
5 Section 603.10 unless it finds by a preponderance of the
6 evidence that a parent's exercise of parenting time would
7 seriously endanger the child's physical, mental, moral, or
8 emotional health.

9 In determining the child's best interests for purposes of
10 allocating parenting time, the court shall consider all
11 relevant factors, including, without limitation, the
12 following:

13 (1) The wishes of each party seeking parenting time.

14 (2) The wishes of a child, after taking into
15 consideration the child's age and maturity.

16 (3) The amount of time each party spent performing
17 caretaking functions with respect to the child in the 24
18 months preceding the filing of any petition for allocation
19 of parenting time or since the child's birth, if the child
20 is under 2 years of age.

21 (4) Any prior agreement or course of conduct between
22 the parties relating to caretaking functions with respect
23 to the child.

24 (5) The interaction and interrelationship of the child
25 with the parties and siblings and with any other person who
26 may significantly affect the child's best interests.

1 (6) The child's adjustment to his or her home, school,
2 and community.

3 (7) The mental and physical health of all individuals
4 involved.

5 (8) The child's needs in light of economic, physical,
6 or other circumstances.

7 (9) The distance between the parties' residences, the
8 cost and difficulty of transporting the child, each
9 parent's and the child's daily schedules, and the ability
10 of the parties to cooperate in the arrangement.

11 (10) The occurrence of abuse, whether directed against
12 the child or directed against another person.

13 (11) The physical violence or threat of physical
14 violence by a party, whether directed against the child or
15 directed against another person.

16 (12) The willingness and ability of each party to place
17 the needs of the child ahead of his or her own needs.

18 (13) The willingness and ability of each party to
19 facilitate and encourage a close and continuing
20 relationship between the other parents and the child.

21 (14) Any other factor that the court expressly finds to
22 be relevant.

23 (c) In allocating parenting time, the court shall exclude
24 from consideration all conduct of a party that does not have an
25 effect on that party's relationship to the child.

26 (d) A party, other than a legal parent, who is allocated

1 only parenting time is not entitled to access to the child's
2 school or health care records unless a court finds that it is
3 in the child's best interests to provide those records to the
4 party.

5 (750 ILCS 5/602.10 new)

6 Sec. 602.10. Parenting plan.

7 (a) Generally. All parents, within 90 days after service or
8 filing of any petition for allocation of parental
9 responsibilities, must file with the court, either jointly or
10 separately, a proposed parenting plan supported by an affidavit
11 or affidavits that comply with subsection (g).

12 (b) No parenting plan filed. In the absence of filing of
13 one or more parenting plans with supporting affidavits, the
14 court must conduct an evidentiary hearing to allocate parental
15 responsibilities.

16 (c) Mediation. The court must order mediation to assist the
17 parents in formulating or modifying a parenting plan or in
18 implementing a parenting plan. The court may allocate the cost
19 of such mediation between the parties.

20 (d) Parents' agreement on parenting plan. The parents may
21 agree on a parenting plan at any time. The parenting plan must
22 be in writing and signed by all parents. The parents must
23 submit the parenting plan to the court for approval within 90
24 days after service of a petition for allocation of parental
25 responsibilities or the filing of an appearance. The parenting

1 plan must be accompanied by a joint affidavit that complies
2 with subsection (g), unless the filing of such an affidavit is
3 excused by the court. If the court fails to approve the
4 parenting plan, it may request the parents to submit a revised
5 parenting plan; or it may, after a hearing, allocate parental
6 responsibilities. The court, on its own motion, may conduct an
7 evidentiary hearing to determine whether the parenting plan is
8 in the child's best interests.

9 (e) Parents cannot agree on parenting plan. Each parent
10 must file and submit a written, signed parenting plan to the
11 court within 90 days after service of a petition for allocation
12 of parental responsibilities or the filing of an appearance.
13 The plan must be accompanied by a separate affidavit that
14 complies with subsection (g). The filing of the plan and
15 affidavit may be excused by the court if:

16 (1) the parties have commenced mediation for the
17 purpose of formulating a parenting plan; or

18 (2) the parents have agreed in writing to extend the
19 time for filing a proposed plan and supporting affidavit
20 and the court has approved such an extension; or

21 (3) the court orders otherwise for good cause shown.

22 (f) Parenting plan contents. At a minimum, a parenting plan
23 must set forth the following:

24 (1) An allocation of significant decision-making
25 responsibilities.

26 (2) Provisions for the child's living arrangements and

1 for each parent's parenting time, including either:

2 (A) a schedule that designates in which parent's
3 home the minor child will reside on given days; or

4 (B) a formula or method for determining such a
5 schedule in sufficient detail to be enforced in a
6 subsequent proceeding.

7 (3) A mediation provision addressing any proposed
8 revisions or disputes, except that this provision is not
9 required if one parent is allocated all significant
10 decision-making responsibilities.

11 (4) Each parent's right of access to medical, dental,
12 and psychological records (subject to the Mental Health and
13 Developmental Disabilities Confidentiality Act), child
14 care records, and school and extracurricular records,
15 reports, and schedules, unless expressly denied by a court
16 order or denied under subsection (g) of Section 602.5.

17 (5) A designation of the parent who will be denominated
18 as the parent with the majority of the residential
19 responsibility for purposes of Section 606.10.

20 (6) The child's residential address for school
21 enrollment purposes only, unless exempted by statute.

22 (7) Each parent's residence address and phone number,
23 and each parent's place of employment and employment
24 address and phone number, unless exempted by statute.

25 (8) A requirement that a parent changing his or her
26 residence provide at least 60 days prior written notice of

1 the change to any other parent under the parenting plan or
2 allocation judgment, unless such notice is impracticable,
3 exempted by statute, or otherwise ordered by the court. If
4 such notice is impracticable, written notice shall be given
5 at the earliest date practicable. At a minimum, the notice
6 shall set forth the following:

7 (A) The intended date of the change of residence.

8 (B) The address of the new residence, unless
9 exempted by statute.

10 (9) Provisions requiring each parent to notify the
11 other of emergencies, health care, travel plans, or other
12 significant child-related issues.

13 (10) Transportation arrangements between the parents.

14 (11) Provisions for communications with the child
15 during the other parent's parenting time.

16 (12) Provisions for resolving issues arising from a
17 parent's future relocation.

18 (13) Provisions for future modifications of the
19 parenting plan, if specified events occur.

20 (14) Any other provision that addresses the child's
21 best interests or that will otherwise facilitate
22 cooperation between the parents.

23 (g) Affidavit. The affidavit supporting a proposed
24 parenting plan must contain, to the best of the affiant's
25 knowledge, all of the following:

26 (1) The name and address of the child, every parent,

1 and any other person previously appearing in any prior
2 allocation proceeding.

3 (2) The name and address of every person with whom the
4 child has lived for 2 years or more, and the period of time
5 during which the child and each such person lived together.
6 If the child is less than 2 years old, the affidavit must
7 contain the name and address of any person with whom the
8 child lived for more than 60 days.

9 (3) A summary of the caretaking functions performed by
10 each person identified under paragraph (2), including such
11 functions performed during at least the 24 months preceding
12 the filing of the action for allocation of parental
13 responsibilities.

14 (4) A schedule of each parent's current hours of
15 employment, availability to perform caretaking functions
16 with respect to the child, existing child care
17 arrangements, and any anticipated changes.

18 (5) A summary schedule of the child's school and
19 extracurricular activities.

20 (6) A summary of any relevant existing risk factors,
21 including orders arising from allegations of abuse and the
22 case number and issuing court.

23 (7) A summary of the known areas of agreement and
24 disagreement between the parents concerning a proposed
25 parenting plan.

1 (750 ILCS 5/603.5 new)

2 Sec. 603.5. Temporary orders.

3 (a) A court may order a temporary allocation of parental
4 responsibilities in the child's best interests before the entry
5 of a final allocation judgment. Any such temporary allocation
6 shall be made in accordance with the standards set forth in
7 Sections 602.5 and 602.7 (i) after a hearing or (ii) if there
8 is no objection, on the basis of affidavits that, at a minimum,
9 comply with subsection (e) of Section 602.10.

10 (b) A temporary order allocating parental responsibilities
11 shall be deemed vacated when the action in which it was granted
12 is dismissed, unless a parent moves to continue the action for
13 allocation of parental responsibilities filed under Section
14 602.5.

15 (c) A temporary order allocating parental responsibilities
16 does not preclude access to the child by a parent who has been
17 exercising a reasonable share of caretaking functions with
18 respect to the child, unless a denial of such access is in the
19 child's best interests as determined in accordance with Section
20 602.5.

21 (750 ILCS 5/603.10 new)

22 Sec. 603.10. Restriction of parental responsibilities.

23 (a) After hearing, if the court finds by a preponderance of
24 the evidence that a parent engaged in any conduct that
25 seriously endangered the child's mental, moral, or physical

1 health or that significantly impaired the child's emotional
2 development, the court shall enter orders as necessary to
3 protect the child. Such orders may include, but are not limited
4 to, orders for one or more of the following:

5 (1) A reduction, elimination, or other adjustment of
6 the parent's decision-making responsibilities or parenting
7 time, or both decision-making responsibilities and
8 parenting time.

9 (2) Supervision, including ordering the Department of
10 Children and Family Services to exercise continuing
11 supervision under Section 5 of the Children and Family
12 Services Act to ensure compliance with the allocation
13 judgment.

14 (3) Requiring the exchange of the child between the
15 parents through an intermediary or in a protected setting.

16 (4) Restraining a parent's communication with or
17 proximity to the other parent or the child.

18 (5) Requiring a parent to abstain from possessing or
19 consuming alcohol or non-prescribed drugs while exercising
20 parenting time with the child and within a specified period
21 immediately preceding the exercise of parenting time.

22 (6) Restricting the presence of specific persons while
23 a parent is exercising parenting time with the child.

24 (7) Requiring a parent to post a bond to secure the
25 return of the child following the parent's exercise of
26 parenting time or to secure other performance required by

1 the court.

2 (8) Requiring a parent to complete a treatment program
3 for perpetrators of abuse, for drug or alcohol abuse, or
4 for other behavior that is the basis for restricting
5 parental responsibilities under this Section.

6 (9) Any other constraints or conditions that the court
7 deems necessary to provide for the child's safety or
8 welfare.

9 (b) The court may modify an order restricting parental
10 responsibilities if the court finds, after hearing, by a
11 preponderance of the evidence that a modification is in the
12 child's best interests based on (i) a change of circumstances
13 that occurred after the entry of an order restricting parental
14 responsibilities or (ii) conduct of which the court was
15 previously unaware that seriously endangers the child. In
16 determining whether to modify an order under this subsection,
17 the court must consider factors that include, but need not be
18 limited to, the following:

19 (1) Abuse, neglect, or abandonment of the child.

20 (2) Abusing or allowing abuse of another person that
21 had an impact upon the child.

22 (3) Use of drugs, alcohol, or any other substance in a
23 way that interferes with the parent's ability to perform
24 caretaking functions with respect to the child.

25 (4) Persistent continuing interference with the other
26 parent's access to the child, except for actions taken with

1 a reasonable, good-faith belief that they are necessary to
2 protect the child's safety pending adjudication of the
3 facts underlying that belief, provided that the
4 interfering parent initiates a proceeding to determine
5 those facts as soon as practicable.

6 (c) An order granting parenting time to a parent or party
7 with interest may be revoked by the court if that parent or
8 party with interest is found to have knowingly used his or her
9 parenting time to facilitate contact between the child and a
10 parent or party with interest who has been barred from contact
11 with the child or to have knowingly used his or her parenting
12 time to facilitate contact with the child that violates any
13 restrictions imposed on the parenting time by a court of
14 competent jurisdiction. Nothing in this subsection limits a
15 court's authority to enforce its orders in any other manner
16 authorized by law.

17 (d) An order granting parenting time with a child whose
18 parent or party with interest is prohibited from contact with
19 the child, or whose parenting time is restricted, shall contain
20 the following provision:

21 "If a parent or party with interest granted parenting
22 time under this Order uses that time to facilitate contact
23 between the child and a parent or party with interest whose
24 parenting time is restricted, or if such a parent or party
25 with interest violates any restrictions placed on his or
26 her parenting time by the court, the parenting time granted

1 under this Order shall be revoked until further order of
2 court."

3 (e) (1) A parent or party with interest who has been
4 convicted of any offense involving an illegal sex act
5 perpetrated upon a victim less than 18 years of age, including
6 but not limited to an offense under Article 12 of the Criminal
7 Code of 1961, is not entitled to parenting time while
8 incarcerated or while on parole, probation, conditional
9 discharge, periodic imprisonment, or mandatory supervised
10 release for a felony offense, until the parent or party with
11 interest complies with such terms and conditions as the court
12 determines are in the child's best interests; and

13 (2) notwithstanding any other provisions of this Section
14 603.10, and in accordance with Section 6.5 of the Illinois
15 Parentage Act of 1984, a parent found to be the father of a
16 child pursuant to the Illinois Parentage Act of 1984, and who
17 has been convicted of or who has pled guilty to a violation of
18 any of the following Sections of the Criminal Code of 1961 for
19 his conduct in fathering that child:

20 Section 11-11 (sexual relations within families),

21 Section 12-13 (criminal sexual assault),

22 Section 12-14 (predatory criminal sexual assault of a
23 child),

24 Section 12-15 (criminal sexual abuse), or

25 Section 12-16 (aggravated criminal sexual abuse),

26 shall not be entitled to parental responsibilities or parenting

1 time with that child without the consent of the mother or
2 guardian, other than the father of the child who has been
3 convicted of or pled guilty to one of the offenses listed in
4 this paragraph (2), or, in cases where the mother is a minor,
5 the guardian of the mother of the child.

6 (f) A parent or party with interest may not, while the
7 child is present, visit any other parent or party with interest
8 of the child who has been convicted of first degree murder
9 unless the court finds, after considering all relevant factors,
10 including those set forth in subsection (c) of Section 602.5,
11 that it would be in the child's best interests to allow the
12 child to be present during such a visit.

13 (750 ILCS 5/604.10 new)

14 Sec. 604.10. Interviews; evaluations; investigation.

15 (a) Court's interview of child. The court may interview the
16 child in chambers to ascertain the child's wishes as to the
17 allocation of parental responsibilities. Counsel shall be
18 present at the interview unless otherwise agreed upon by the
19 parties. The entire interview shall be recorded by a court
20 reporter. The transcript of the interview shall be filed under
21 seal and released only upon order of the court. The cost of the
22 court reporter and transcript shall be paid by the court.

23 (b) Court's professional. The court may seek the advice of
24 any professional, whether or not regularly employed by the
25 court, to assist the court in determining the child's best

1 interests. The advice to the court shall be in writing and sent
2 by the professional to counsel for the parties and to the
3 court, under seal. The writing may be admitted into evidence
4 without testimony from its author, unless a party objects. A
5 professional consulted by the court shall testify as the
6 court's witness. The court shall order all costs and fees of
7 the professional to be paid by one or more of the parties,
8 subject to reallocation in accordance with subsection (a) of
9 Section 508.

10 (c) Evaluation by a party's retained professional. In a
11 proceeding to allocate parental responsibilities or to
12 relocate a child from Illinois, upon notice and motion made by
13 a parent or any party to the litigation within a reasonable
14 time before trial, the court shall order an evaluation to
15 assist the court in determining the child's best interests. The
16 evaluation may be in place of or in addition to any advice
17 given to the court by a professional under subsection (b). A
18 motion for an evaluation under this subsection must, at a
19 minimum, identify the proposed evaluator and the evaluator's
20 specialty or discipline. An order for an evaluation under this
21 subsection must set forth the evaluator's name, address, and
22 telephone number and the time, place, conditions, and scope of
23 the evaluation. No person shall be required to travel an
24 unreasonable distance for the evaluation. The party requesting
25 the evaluation shall pay the evaluator's fees and costs unless
26 otherwise ordered by the court.

1 The evaluator's report must, at a minimum, set forth the
2 following:

3 (1) A description of the procedures employed during the
4 evaluation.

5 (2) A report of the data collected.

6 (3) All test results.

7 (4) Any conclusions of the evaluator relating to the
8 allocation of parental responsibilities under Sections
9 602.5 and 602.7.

10 (5) Any recommendations of the evaluator concerning
11 the allocation of parental responsibilities or the child's
12 relocation from Illinois.

13 (6) An explanation of any limitations in the evaluation
14 or any reservations of the evaluator regarding the
15 resulting recommendations.

16 A party who retains a professional to conduct an evaluation
17 under this subsection shall cause the evaluator's written
18 report to be sent to the attorneys of record no less than 60
19 days before the hearing on the allocation of parental
20 responsibilities, unless otherwise ordered by the court; if a
21 party fails to comply with this provision, the court may not
22 admit the evaluator's report into evidence and may not allow
23 the evaluator to testify.

24 The party calling an evaluator to testify at trial shall
25 disclose the evaluator as a controlled expert witness in
26 accordance with the Supreme Court rules.

1 Any party to the litigation may call the evaluator as a
2 witness. That party shall pay the evaluator's fees and costs
3 for testifying, unless otherwise ordered by the court.

4 (d) Investigation. Upon notice and a motion by a parent or
5 any party to the litigation, or upon the court's own motion,
6 the court may order an investigation and report to assist the
7 court in allocating parental responsibilities. The
8 investigation may be made by any child welfare agency approved
9 by the Department of Children and Family Services, but shall
10 not be made by that Department unless the court determines
11 either that there is no child welfare agency available or that
12 no party is financially able to pay for the investigation. The
13 court shall specify the purpose and scope of the investigation.

14 The investigator shall send his or her report to all
15 attorneys of record, and to any party not represented, at least
16 60 days before the hearing on the allocation of parental
17 responsibilities. The court shall examine and consider the
18 investigator's report only after it has been admitted into
19 evidence or after the parties have waived their right to
20 cross-examine the investigator.

21 The investigator shall make available to all attorneys of
22 record, and to any party not represented, the investigator's
23 file, and the names and addresses of all persons whom the
24 investigator has consulted. Any party to the proceeding may
25 call the investigator, or any person consulted by the
26 investigator as a court's witness, for cross-examination. No

1 fees shall be paid for any investigation by a governmental
2 agency. The fees incurred by any other investigator shall be
3 allocated in accordance with Section 508.

4 (750 ILCS 5/606.5 new)

5 Sec. 606.5. Hearings.

6 (a) Proceedings to allocate parental responsibilities
7 shall receive priority in being set for hearing.

8 (b) The court, without a jury, shall determine questions of
9 law and fact.

10 (c) Previous statements made by the child relating to any
11 allegations that the child is an abused or neglected child
12 within the meaning of the Abused and Neglected Child Reporting
13 Act, or an abused or neglected minor within the meaning of the
14 Juvenile Court Act of 1987, shall be admissible in evidence in
15 a hearing concerning allocation of parental responsibilities.
16 No such statement, however, if uncorroborated and not subject
17 to cross examination, shall be sufficient in itself to support
18 a finding of abuse or neglect.

19 (d) If the court finds that a public hearing may be
20 detrimental to the child's best interests, the court shall
21 exclude the public from the hearing, but the court may admit
22 any person having:

23 (1) a direct and legitimate interest in the case; or

24 (2) a legitimate educational or research interest in
25 the work of the court, but only with the permission of one

1 of the legal parents or one of the equitable parents.

2 (e) The court may make an appropriate order sealing the
3 records of any interview, report, investigation, or testimony.

4 (750 ILCS 5/606.10 new)

5 Sec. 606.10. Designation of "custodian" for purposes of
6 other statutes. Solely for the purposes of all State and
7 federal statutes that require a designation or determination of
8 custody or a custodian, a parenting plan shall designate the
9 parent who is allocated the majority of residential
10 responsibility. This designation shall not affect parents'
11 rights and responsibilities under the parenting plan.

12 (750 ILCS 5/607.5 new)

13 Sec. 607.5. Abuse of allocated parenting time.

14 (a) The court shall provide an expedited procedure for the
15 enforcement of allocated parenting time.

16 (b) An action for the enforcement of allocated parenting
17 time may be commenced by a parent, a party with interest, or a
18 person appointed under Section 506 by filing a petition setting
19 forth unless exempted by statute: (i) the petitioner's name,
20 residence address or mailing address, and phone number; (ii)
21 the respondents' names and places of residence, places of
22 employment, or mailing addresses; (iii) the terms of the
23 parenting plan or allocation judgment then in effect; (iv) the
24 nature of the violation of the allocation of parenting time,

1 giving dates and other relevant information; and (v) that a
2 reasonable attempt was made to resolve the dispute.

3 (c) If the court finds by a preponderance of the evidence
4 that a parent has not complied with allocated parenting time
5 according to an approved parenting plan or a court order, the
6 court, in the child's best interests, shall issue an order that
7 may include one or more of the following:

8 (1) An imposition of additional terms and conditions
9 consistent with the court's previous allocation of
10 parenting time or other order.

11 (2) A requirement that any of the parties attend a
12 parental education program at the expense of the
13 non-complying parent or party with interest.

14 (3) A requirement that the parties participate in
15 family counseling at the expense of the non-complying
16 parent or party with interest.

17 (4) A requirement that the non-complying parent or
18 party with interest post a cash bond or other security to
19 ensure future compliance, including a provision that the
20 bond or other security may be forfeited to the other parent
21 or party with interest for payment of expenses on behalf of
22 the child as the court shall direct.

23 (5) A requirement that makeup parenting time be
24 provided for the aggrieved parent or child under the
25 following conditions:

26 (A) That such parenting time is of the same type

1 and duration as the parenting time that was denied,
2 including but not limited to parenting time during
3 weekends, on holidays, and on weekdays and during times
4 when the child is not in school.

5 (B) That such parenting time is made up within 6
6 months after the noncompliance occurs, unless the
7 period of time or holiday cannot be made up within 6
8 months, in which case the parenting time shall be made
9 up within one year after the noncompliance occurs.

10 (6) A finding that the non-complying parent or party
11 with interest is in contempt of court.

12 (7) Imposing on the non-complying parent or party with
13 interest an appropriate civil fine per incident of denied
14 parenting time.

15 (8) A requirement that the non-complying parent or
16 party with interest reimburse the other parent or party
17 with interest for all reasonable expenses incurred as a
18 result of the violation of the parenting plan or court
19 order.

20 (9) Any other provision that may promote the child's
21 best interests.

22 (d) In addition to any other order entered under subsection
23 (c), the court shall order a parent or party with interest who
24 has failed to provide allocated parenting time or to exercise
25 allocated parenting time to pay the aggrieved party his or her
26 reasonable attorney's fees, court costs, and expenses

1 associated with an action brought under this Section. If the
2 court finds that the respondent in an action brought under this
3 Section has not violated the allocated parenting time, the
4 court may order the petitioner to pay the respondent's
5 reasonable attorney's fees, court costs, and expenses incurred
6 in the action.

7 (e) Nothing in this Section precludes a party from
8 maintaining any other action as provided by law.

9 (750 ILCS 5/609.2 new)

10 Sec. 609.2. Parent's relocation.

11 (a) A parent's relocation constitutes a substantial change
12 in circumstances for purposes of Section 610.5.

13 (b) Only a parent who has been allocated a majority of
14 parenting time may seek to relocate with a child, except that
15 when parents have equal parenting time, either parent may seek
16 to relocate with a child.

17 (c) Any parent intending to relocate must provide at least
18 60 days prior written notice to any other parent under the
19 parenting plan or allocation judgment unless such notice is
20 impracticable (in which case written notice shall be given at
21 the earliest date practicable) or unless otherwise ordered by
22 the court. At a minimum, the notice must set forth the
23 following unless exempted by statute:

24 (1) The intended date of the parent's relocation.

25 (2) The address of the parent's intended new residence,

1 if known.

2 (3) The specific reasons for the parent's intended
3 relocation.

4 (4) A proposal modifying the parents' parental
5 responsibilities, if necessary, in light of the
6 relocation.

7 (5) If the parent's intended relocation requires a
8 change in the child's school, a statement of how the
9 relocating parent intends to meet the child's educational
10 needs.

11 The court may consider a parent's failure to comply with
12 the notice requirements of this Section without good cause (i)
13 as a factor in determining whether the parent's relocation is
14 in good faith and (ii) as a basis for awarding reasonable
15 attorney's fees and costs resulting from the parent's failure
16 to comply with these provisions.

17 (d) If a parent receives a written notice of the other
18 parent's intent to relocate and objects to the relocation, then
19 no later than 30 days after receiving the notice, the objecting
20 parent must file a petition setting forth objections to the
21 proposed relocation. A petition filed under this subsection
22 shall be expeditiously heard by the court. A parent's failure
23 to file for the relief provided under this subsection
24 constitutes a waiver of that parent's objections to the
25 relocation. If the court finds that objections are made in bad
26 faith, it shall award reasonable attorney's fees and costs to

1 the other party.

2 (e) The court shall modify the parenting plan or allocation
3 judgment to accommodate a parent's relocation as agreed by the
4 parents as long as the agreed modification is in the child's
5 best interests.

6 (f) The court shall modify the parenting plan or allocation
7 judgment to accommodate the relocation without changing the
8 proportion of parental responsibilities between the parties,
9 if practicable, as long as such a modification is in the
10 child's best interests.

11 (g) If a parent's relocation makes it impracticable to
12 maintain the same proportion of parental responsibilities
13 between the parties, the court shall modify the parenting plan
14 or allocation judgment in accordance with the child's best
15 interests. The court shall consider the following factors:

16 (1) The factors set forth in subsection (c) of this
17 Section.

18 (2) The reasons, if any, why a parent is objecting to
19 the intended relocation.

20 (3) The history and quality of each parent's
21 relationship with the child since the implementation of any
22 previous parenting plan or allocation judgment.

23 (4) The educational opportunities for the child at the
24 existing location and at the proposed new location.

25 (5) The presence or absence of extended family at the
26 existing location and at the proposed new location.

1 (6) The anticipated impact of the relocation on the
2 child.

3 (7) Whether the court will be able to fashion a
4 reasonable allocation of parental responsibilities between
5 all parents if the relocation occurs.

6 (8) The wishes of the child after taking into
7 consideration the child's age and maturity.

8 (9) Whether the intended relocation is valid, in good
9 faith, and to a location that is reasonable in light of the
10 purpose.

11 (10) Possible arrangements for the exercise of
12 parental responsibilities appropriate to the parents'
13 resources and circumstances and the developmental level of
14 the child.

15 (11) Minimization of the impairment to a parent-child
16 relationship caused by a parent's relocation.

17 (12) Any other relevant factors bearing on the child's
18 best interests.

19 (h) Unless the non-relocating parent demonstrates that a
20 reallocation of parental responsibilities is necessary to
21 prevent harm to the child, the court shall deny the
22 non-relocating parent's request for a reallocation of parental
23 responsibilities based on relocation if the non-relocating
24 parent either:

25 (1) failed to object to the relocation within the time
26 allowed; or

1 (2) has substantially failed or refused to exercise the
2 parental responsibilities allocated to him or her under the
3 parenting plan or allocation judgment.

4 (750 ILCS 5/610.5 new)

5 Sec. 610.5. Modification.

6 (a) Except in a case concerning the modification of any
7 restriction of parental responsibilities under Section 603.10,
8 the court shall modify a parenting plan or allocation judgment
9 when necessary to serve the child's best interests if the court
10 finds, by a preponderance of the evidence, that:

11 (1) on the basis of facts that have arisen since the
12 entry of the existing parenting plan or allocation judgment
13 or were not anticipated therein, a substantial change has
14 occurred in the circumstances of the child or of any parent
15 or party with interest and that a modification is necessary
16 to serve the child's best interests; or

17 (2) the existing allocation of parental
18 responsibilities seriously endangers the child's physical,
19 mental, moral, or emotional health.

20 (b) The court shall modify a parenting plan or allocation
21 judgment in accordance with a parental agreement, unless it
22 finds that the modification is not in the child's best
23 interests.

24 (c) The court may modify a parenting plan or allocation
25 judgment without a showing of changed circumstances if (i) the

1 modification is in the child's best interests and (ii) any of
2 the following are proven as to the modification:

3 (A) The modification reflects the actual arrangement
4 under which the child has been receiving care, without
5 parental objection, for the 6 months preceding the filing
6 of the petition for modification, provided that the
7 arrangement is not the result of acquiescence of a parent
8 or party with interest resulting from circumstances that
9 negated the ability to give meaningful consent.

10 (B) The modification constitutes a minor modification
11 in the parenting plan or allocation judgment.

12 (C) The modification is necessary to modify an agreed
13 parenting plan or allocation judgment that the court would
14 not have ordered or approved under Section 602.5 or 602.7
15 had the court been aware of the circumstances at the time
16 of the order or approval.

17 (d) Attorney's fees and costs shall be assessed against a
18 party seeking modification if the court finds that the
19 modification action is vexatious or constitutes harassment.

20 (750 ILCS 5/612 new)

21 Sec. 612. Application of provisions concerning allocation
22 of parental responsibilities.

23 (a) The changes made by this amendatory Act of the 95th
24 General Assembly apply to all proceedings commenced on or after
25 the effective date of this amendatory Act of the 95th General

1 Assembly.

2 (b) The changes made by this amendatory Act of the 95th
3 General Assembly apply to all actions pending on the effective
4 date of this amendatory Act of the 95th General Assembly and to
5 all proceedings commenced before that effective date with
6 respect to issues on which a judgment has not been entered.
7 Evidence adduced after the effective date of this amendatory
8 Act of the 95th General Assembly shall comply with the changes
9 made by this amendatory Act of the 95th General Assembly.

10 (c) The changes made by this amendatory Act of the 95th
11 General Assembly apply to all proceedings commenced on or after
12 the effective date of this amendatory Act of the 95th General
13 Assembly for the modification of a judgment or order entered
14 before that effective date.

15 (d) In any action or proceeding in which an appeal was
16 pending or a new trial was ordered before the effective date of
17 this amendatory Act of the 95th General Assembly, the law in
18 effect at the time of the order sustaining the appeal or the
19 new trial governs the appeal, the new trial, and any subsequent
20 trial or appeal.

21 (750 ILCS 5/601 rep.)

22 (750 ILCS 5/601.5 rep.)

23 (750 ILCS 5/602 rep.)

24 (750 ILCS 5/602.1 rep.)

25 (750 ILCS 5/603 rep.)

- 1 (750 ILCS 5/604 rep.)
2 (750 ILCS 5/604.5 rep.)
3 (750 ILCS 5/605 rep.)
4 (750 ILCS 5/606 rep.)
5 (750 ILCS 5/607 rep.)
6 (750 ILCS 5/607.1 rep.)
7 (750 ILCS 5/608 rep.)
8 (750 ILCS 5/609 rep.)
9 (750 ILCS 5/610 rep.)
10 (750 ILCS 5/611 rep.)

11 Section 16. The Illinois Marriage and Dissolution of
12 Marriage Act is amended by repealing Sections 601, 601.5, 602,
13 602.1, 603, 604, 604.5, 605, 606, 607, 607.1, 608, 609, 610,
14 and 611.

15 Section 20. The Illinois Parentage Act of 1984 is amended
16 by changing Section 16 as follows:

17 (750 ILCS 45/16) (from Ch. 40, par. 2516)

18 Sec. 16. Modification of Judgment. The court has continuing
19 jurisdiction to modify an order for support or for allocation
20 of significant decision-making responsibilities or parenting
21 time or accommodating a parent's relocation ~~, custody,~~
22 ~~visitation, or removal~~ included in a judgment entered under
23 this Act. Any modification of a judgment allocating significant
24 decision-making responsibilities or parenting time or

1 accommodating a parent's relocation ~~custody, visitation, or~~
2 ~~removal judgment modification~~ shall be in accordance with the
3 relevant factors specified in the Illinois Marriage and
4 Dissolution of Marriage Act, including Section 609.2 ~~609~~. Any
5 support judgment is subject to modification or termination only
6 in accordance with Section 510 of the Illinois Marriage and
7 Dissolution of Marriage Act.

8 (Source: P.A. 93-139, eff. 7-10-03.)

9 Section 25. The Illinois Domestic Violence Act of 1986 is
10 amended by changing Sections 212, 214, and 223 as follows:

11 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

12 Sec. 212. Hearings.

13 (a) A petition for an order of protection shall be treated
14 as an expedited proceeding, and no court shall transfer or
15 otherwise decline to decide all or part of such petition except
16 as otherwise provided herein. Nothing in this Section shall
17 prevent the court from reserving issues when jurisdiction or
18 notice requirements are not met.

19 (b) Any court or a division thereof which ordinarily does
20 not decide matters of child custody and family support may
21 decline to decide contested issues of physical care, allocation
22 of parenting time or significant decision-making
23 responsibilities ~~custody, visitation,~~ or family support unless
24 a decision on one or more of those contested issues is

1 necessary to avoid the risk of abuse, neglect, removal from the
2 state or concealment within the state of the child or of
3 separation of the child from the primary caretaker. If the
4 court or division thereof has declined to decide any or all of
5 these issues, then it shall transfer all undecided issues to
6 the appropriate court or division. In the event of such a
7 transfer, a government attorney involved in the criminal
8 prosecution may, but need not, continue to offer counsel to
9 petitioner on transferred matters.

10 (c) If the court transfers or otherwise declines to decide
11 any issue, judgment on that issue shall be expressly reserved
12 and ruling on other issues shall not be delayed or declined.

13 (Source: P.A. 87-1186.)

14 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

15 Sec. 214. Order of protection; remedies.

16 (a) Issuance of order. If the court finds that petitioner
17 has been abused by a family or household member or that
18 petitioner is a high-risk adult who has been abused, neglected,
19 or exploited, as defined in this Act, an order of protection
20 prohibiting the abuse, neglect, or exploitation shall issue;
21 provided that petitioner must also satisfy the requirements of
22 one of the following Sections, as appropriate: Section 217 on
23 emergency orders, Section 218 on interim orders, or Section 219
24 on plenary orders. Petitioner shall not be denied an order of
25 protection because petitioner or respondent is a minor. The

1 court, when determining whether or not to issue an order of
2 protection, shall not require physical manifestations of abuse
3 on the person of the victim. Modification and extension of
4 prior orders of protection shall be in accordance with this
5 Act.

6 (b) Remedies and standards. The remedies to be included in
7 an order of protection shall be determined in accordance with
8 this Section and one of the following Sections, as appropriate:
9 Section 217 on emergency orders, Section 218 on interim orders,
10 and Section 219 on plenary orders. The remedies listed in this
11 subsection shall be in addition to other civil or criminal
12 remedies available to petitioner.

13 (1) Prohibition of abuse, neglect, or exploitation.
14 Prohibit respondent's harassment, interference with
15 personal liberty, intimidation of a dependent, physical
16 abuse, or willful deprivation, neglect or exploitation, as
17 defined in this Act, or stalking of the petitioner, as
18 defined in Section 12-7.3 of the Criminal Code of 1961, if
19 such abuse, neglect, exploitation, or stalking has
20 occurred or otherwise appears likely to occur if not
21 prohibited.

22 (2) Grant of exclusive possession of residence.
23 Prohibit respondent from entering or remaining in any
24 residence or household of the petitioner, including one
25 owned or leased by respondent, if petitioner has a right to
26 occupancy thereof. The grant of exclusive possession of the

1 residence shall not affect title to real property, nor
2 shall the court be limited by the standard set forth in
3 Section 701 of the Illinois Marriage and Dissolution of
4 Marriage Act.

5 (A) Right to occupancy. A party has a right to
6 occupancy of a residence or household if it is solely
7 or jointly owned or leased by that party, that party's
8 spouse, a person with a legal duty to support that
9 party or a minor child in that party's care, or by any
10 person or entity other than the opposing party that
11 authorizes that party's occupancy (e.g., a domestic
12 violence shelter). Standards set forth in subparagraph
13 (B) shall not preclude equitable relief.

14 (B) Presumption of hardships. If petitioner and
15 respondent each has the right to occupancy of a
16 residence or household, the court shall balance (i) the
17 hardships to respondent and any minor child or
18 dependent adult in respondent's care resulting from
19 entry of this remedy with (ii) the hardships to
20 petitioner and any minor child or dependent adult in
21 petitioner's care resulting from continued exposure to
22 the risk of abuse (should petitioner remain at the
23 residence or household) or from loss of possession of
24 the residence or household (should petitioner leave to
25 avoid the risk of abuse). When determining the balance
26 of hardships, the court shall also take into account

1 the accessibility of the residence or household.
2 Hardships need not be balanced if respondent does not
3 have a right to occupancy.

4 The balance of hardships is presumed to favor
5 possession by petitioner unless the presumption is
6 rebutted by a preponderance of the evidence, showing
7 that the hardships to respondent substantially
8 outweigh the hardships to petitioner and any minor
9 child or dependent adult in petitioner's care. The
10 court, on the request of petitioner or on its own
11 motion, may order respondent to provide suitable,
12 accessible, alternate housing for petitioner instead
13 of excluding respondent from a mutual residence or
14 household.

15 (3) Stay away order and additional prohibitions. Order
16 respondent to stay away from petitioner or any other person
17 protected by the order of protection, or prohibit
18 respondent from entering or remaining present at
19 petitioner's school, place of employment, or other
20 specified places at times when petitioner is present, or
21 both, if reasonable, given the balance of hardships.
22 Hardships need not be balanced for the court to enter a
23 stay away order or prohibit entry if respondent has no
24 right to enter the premises.

25 If an order of protection grants petitioner exclusive
26 possession of the residence, or prohibits respondent from

1 entering the residence, or orders respondent to stay away
2 from petitioner or other protected persons, then the court
3 may allow respondent access to the residence to remove
4 items of clothing and personal adornment used exclusively
5 by respondent, medications, and other items as the court
6 directs. The right to access shall be exercised on only one
7 occasion as the court directs and in the presence of an
8 agreed-upon adult third party or law enforcement officer.

9 (4) Counseling. Require or recommend the respondent to
10 undergo counseling for a specified duration with a social
11 worker, psychologist, clinical psychologist, psychiatrist,
12 family service agency, alcohol or substance abuse program,
13 mental health center guidance counselor, agency providing
14 services to elders, program designed for domestic violence
15 abusers or any other guidance service the court deems
16 appropriate.

17 (5) Physical care and possession of the minor child. In
18 order to protect the minor child from abuse, neglect, or
19 unwarranted separation from the person who has been the
20 minor child's primary caretaker, or to otherwise protect
21 the well-being of the minor child, the court may do either
22 or both of the following: (i) grant petitioner physical
23 care or possession of the minor child, or both, or (ii)
24 order respondent to return a minor child to, or not remove
25 a minor child from, the physical care of a parent or person
26 in loco parentis.

1 If a court finds, after a hearing, that respondent has
2 committed abuse (as defined in Section 103) of a minor
3 child, there shall be a rebuttable presumption that
4 awarding physical care to respondent would not be in the
5 minor child's best interest.

6 (6) Temporary allocation of parental responsibilities
7 ~~legal custody~~. Award temporary parental responsibilities
8 ~~legal custody~~ to petitioner in accordance with this
9 Section, the Illinois Marriage and Dissolution of Marriage
10 Act, the Illinois Parentage Act of 1984, and this State's
11 Uniform Child-Custody Jurisdiction and Enforcement Act.

12 If a court finds, after a hearing, that respondent has
13 committed abuse (as defined in Section 103) of a minor
14 child, there shall be a rebuttable presumption that
15 allocating ~~awarding~~ temporary parental responsibilities
16 ~~legal custody~~ to respondent would not be in the child's
17 best interest.

18 (7) Parenting time Visitation. Determine the parenting
19 time ~~visitation rights~~, if any, of respondent in any case
20 in which the court awards physical care or allocates
21 temporary parental responsibilities with respect to ~~legal~~
22 ~~custody of~~ a minor child to petitioner. The court shall
23 restrict or deny respondent's parenting time ~~visitation~~
24 with a minor child if the court finds that respondent has
25 done or is likely to do any of the following: (i) abuse or
26 endanger the minor child during parenting time ~~visitation~~;

1 (ii) use the parenting time ~~visitation~~ as an opportunity to
2 abuse or harass petitioner or petitioner's family or
3 household members; (iii) improperly conceal or detain the
4 minor child; or (iv) otherwise act in a manner that is not
5 in the best interests of the minor child. The court shall
6 not be limited by the standards set forth in Section 603.10
7 ~~607.1~~ of the Illinois Marriage and Dissolution of Marriage
8 Act. If the court grants parenting time ~~visitation~~, the
9 order shall specify dates and times for the parenting time
10 ~~visitation~~ to take place or other specific parameters or
11 conditions that are appropriate. No order for parenting
12 time ~~visitation~~ shall refer merely to the term "reasonable
13 parenting time ~~visitation~~".

14 Petitioner may deny respondent access to the minor
15 child if, when respondent arrives for parenting time
16 ~~visitation~~, respondent is under the influence of drugs or
17 alcohol and constitutes a threat to the safety and
18 well-being of petitioner or petitioner's minor children or
19 is behaving in a violent or abusive manner.

20 If necessary to protect any member of petitioner's
21 family or household from future abuse, respondent shall be
22 prohibited from coming to petitioner's residence to meet
23 the minor child for parenting time ~~visitation~~, and the
24 parties shall submit to the court their recommendations for
25 reasonable alternative arrangements for parenting time
26 ~~visitation~~. A person may be approved to supervise parenting

1 ~~time visitation~~ only after filing an affidavit accepting
2 that responsibility and acknowledging accountability to
3 the court.

4 (8) Removal or concealment of minor child. Prohibit
5 respondent from removing a minor child from the State or
6 concealing the child within the State.

7 (9) Order to appear. Order the respondent to appear in
8 court, alone or with a minor child, to prevent abuse,
9 neglect, removal or concealment of the child, to return the
10 child to the ~~custody or care of the~~ petitioner or to permit
11 any court-ordered interview or examination of the child or
12 the respondent.

13 (10) Possession of personal property. Grant petitioner
14 exclusive possession of personal property and, if
15 respondent has possession or control, direct respondent to
16 promptly make it available to petitioner, if:

17 (i) petitioner, but not respondent, owns the
18 property; or

19 (ii) the parties own the property jointly; sharing
20 it would risk abuse of petitioner by respondent or is
21 impracticable; and the balance of hardships favors
22 temporary possession by petitioner.

23 If petitioner's sole claim to ownership of the property
24 is that it is marital property, the court may award
25 petitioner temporary possession thereof under the
26 standards of subparagraph (ii) of this paragraph only if a

1 proper proceeding has been filed under the Illinois
2 Marriage and Dissolution of Marriage Act, as now or
3 hereafter amended.

4 No order under this provision shall affect title to
5 property.

6 (11) Protection of property. Forbid the respondent
7 from taking, transferring, encumbering, concealing,
8 damaging or otherwise disposing of any real or personal
9 property, except as explicitly authorized by the court, if:

10 (i) petitioner, but not respondent, owns the
11 property; or

12 (ii) the parties own the property jointly, and the
13 balance of hardships favors granting this remedy.

14 If petitioner's sole claim to ownership of the property
15 is that it is marital property, the court may grant
16 petitioner relief under subparagraph (ii) of this
17 paragraph only if a proper proceeding has been filed under
18 the Illinois Marriage and Dissolution of Marriage Act, as
19 now or hereafter amended.

20 The court may further prohibit respondent from
21 improperly using the financial or other resources of an
22 aged member of the family or household for the profit or
23 advantage of respondent or of any other person.

24 (11.5) Protection of animals. Grant the petitioner the
25 exclusive care, custody, or control of any animal owned,
26 possessed, leased, kept, or held by either the petitioner

1 or the respondent or a minor child residing in the
2 residence or household of either the petitioner or the
3 respondent and order the respondent to stay away from the
4 animal and forbid the respondent from taking,
5 transferring, encumbering, concealing, harming, or
6 otherwise disposing of the animal.

7 (12) Order for payment of support. Order respondent to
8 pay temporary support for the petitioner or any child in
9 the petitioner's care or over whom the petitioner has been
10 allocated significant decision-making responsibilities
11 ~~custody~~, when the respondent has a legal obligation to
12 support that person, in accordance with the Illinois
13 Marriage and Dissolution of Marriage Act, which shall
14 govern, among other matters, the amount of support, payment
15 through the clerk and withholding of income to secure
16 payment. An order for child support may be granted to a
17 petitioner with lawful physical care of or significant
18 decision-making responsibilities over ~~custody of~~ a child,
19 or an order or agreement for physical care of a child or
20 significant decision-making responsibilities ~~custody~~,
21 prior to entry of an order allocating significant
22 decision-making responsibilities ~~for legal custody~~. Such a
23 support order shall expire upon entry of a valid order
24 allocating significant decision-making responsibilities
25 differently ~~granting legal custody to another~~, unless
26 otherwise provided in the custody order.

1 (13) Order for payment of losses. Order respondent to
2 pay petitioner for losses suffered as a direct result of
3 the abuse, neglect, or exploitation. Such losses shall
4 include, but not be limited to, medical expenses, lost
5 earnings or other support, repair or replacement of
6 property damaged or taken, reasonable attorney's fees,
7 court costs and moving or other travel expenses, including
8 additional reasonable expenses for temporary shelter and
9 restaurant meals.

10 (i) Losses affecting family needs. If a party is
11 entitled to seek maintenance, child support or
12 property distribution from the other party under the
13 Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended, the court may order
15 respondent to reimburse petitioner's actual losses, to
16 the extent that such reimbursement would be
17 "appropriate temporary relief", as authorized by
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an
20 improper concealment or removal of a minor child, the
21 court may order respondent to pay the reasonable
22 expenses incurred or to be incurred in the search for
23 and recovery of the minor child, including but not
24 limited to legal fees, court costs, private
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and well-being
4 of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (a) When a complaint is made under a request for an
7 order of protection, that the respondent has
8 threatened or is likely to use firearms illegally
9 against the petitioner, and the respondent is present
10 in court, or has failed to appear after receiving
11 actual notice, the court shall examine on oath the
12 petitioner, and any witnesses who may be produced. If
13 the court is satisfied that there is any danger of the
14 illegal use of firearms, it shall issue an order that
15 any firearms in the possession of the respondent,
16 except as provided in subsection (b), be turned over to
17 the local law enforcement agency for safekeeping. If
18 the respondent has failed to appear, the court shall
19 issue a warrant for seizure of any firearm in the
20 possession of the respondent. The period of
21 safekeeping shall be for a stated period of time not to
22 exceed 2 years. The firearm or firearms shall be
23 returned to the respondent at the end of the stated
24 period or at expiration of the order of protection,
25 whichever is sooner.

26 (b) If the respondent is a peace officer as defined

1 in Section 2-13 of the Criminal Code of 1961, the court
2 shall order that any firearms used by the respondent in
3 the performance of his or her duties as a peace officer
4 be surrendered to the chief law enforcement executive
5 of the agency in which the respondent is employed, who
6 shall retain the firearms for safekeeping for the
7 stated period not to exceed 2 years as set forth in the
8 court order.

9 (15) Prohibition of access to records. If an order of
10 protection prohibits respondent from having contact with
11 the minor child, or if petitioner's address is omitted
12 under subsection (b) of Section 203, or if necessary to
13 prevent abuse or wrongful removal or concealment of a minor
14 child, the order shall deny respondent access to, and
15 prohibit respondent from inspecting, obtaining, or
16 attempting to inspect or obtain, school or any other
17 records of the minor child who is in the care of
18 petitioner.

19 (16) Order for payment of shelter services. Order
20 respondent to reimburse a shelter providing temporary
21 housing and counseling services to the petitioner for the
22 cost of the services, as certified by the shelter and
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive
25 relief necessary or appropriate to prevent further abuse of
26 a family or household member or further abuse, neglect, or

1 exploitation of a high-risk adult with disabilities or to
2 effectuate one of the granted remedies, if supported by the
3 balance of hardships. If the harm to be prevented by the
4 injunction is abuse or any other harm that one of the
5 remedies listed in paragraphs (1) through (16) of this
6 subsection is designed to prevent, no further evidence is
7 necessary that the harm is an irreparable injury.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,
10 other than payment of support, the court shall consider
11 relevant factors, including but not limited to the
12 following:

13 (i) the nature, frequency, severity, pattern and
14 consequences of the respondent's past abuse, neglect
15 or exploitation of the petitioner or any family or
16 household member, including the concealment of his or
17 her location in order to evade service of process or
18 notice, and the likelihood of danger of future abuse,
19 neglect, or exploitation to petitioner or any member of
20 petitioner's or respondent's family or household; and

21 (ii) the danger that any minor child will be abused
22 or neglected or improperly relocated ~~removed~~ from the
23 jurisdiction, improperly concealed within the State or
24 improperly separated from the child's primary
25 caretaker.

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the
2 court shall consider relevant factors, including but not
3 limited to the following:

4 (i) availability, accessibility, cost, safety,
5 adequacy, location and other characteristics of
6 alternate housing for each party and any minor child or
7 dependent adult in the party's care;

8 (ii) the effect on the party's employment; and

9 (iii) the effect on the relationship of the party,
10 and any minor child or dependent adult in the party's
11 care, to family, school, church and community.

12 (3) Subject to the exceptions set forth in paragraph
13 (4) of this subsection, the court shall make its findings
14 in an official record or in writing, and shall at a minimum
15 set forth the following:

16 (i) That the court has considered the applicable
17 relevant factors described in paragraphs (1) and (2) of
18 this subsection.

19 (ii) Whether the conduct or actions of respondent,
20 unless prohibited, will likely cause irreparable harm
21 or continued abuse.

22 (iii) Whether it is necessary to grant the
23 requested relief in order to protect petitioner or
24 other alleged abused persons.

25 (4) For purposes of issuing an ex parte emergency order
26 of protection, the court, as an alternative to or as a

1 supplement to making the findings described in paragraphs
2 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
3 the following procedure:

4 When a verified petition for an emergency order of
5 protection in accordance with the requirements of Sections
6 203 and 217 is presented to the court, the court shall
7 examine petitioner on oath or affirmation. An emergency
8 order of protection shall be issued by the court if it
9 appears from the contents of the petition and the
10 examination of petitioner that the averments are
11 sufficient to indicate abuse by respondent and to support
12 the granting of relief under the issuance of the emergency
13 order of protection.

14 (5) Never married parties. No rights or
15 responsibilities for a minor child born outside of marriage
16 attach to a putative father until a father and child
17 relationship has been established under the Illinois
18 Parentage Act of 1984, the Illinois Public Aid Code,
19 Section 12 of the Vital Records Act, the Juvenile Court Act
20 of 1987, the Probate Act of 1985, the Revised Uniform
21 Reciprocal Enforcement of Support Act, the Uniform
22 Interstate Family Support Act, the Expedited Child Support
23 Act of 1990, any judicial, administrative, or other act of
24 another state or territory, any other Illinois statute, or
25 by any foreign nation establishing the father and child
26 relationship, any other proceeding substantially in

1 conformity with the Personal Responsibility and Work
2 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
3 or where both parties appeared in open court or at an
4 administrative hearing acknowledging under oath or
5 admitting by affirmation the existence of a father and
6 child relationship. Absent such an adjudication, finding,
7 or acknowledgement, no putative father shall be granted
8 temporary allocation of parental responsibilities,
9 including parenting time ~~custody of the minor child,~~
10 ~~visitation~~ with the minor child, ~~or physical care and~~
11 ~~possession of the minor child,~~ nor shall an order of
12 payment for support of the minor child be entered.

13 (d) Balance of hardships; findings. If the court finds that
14 the balance of hardships does not support the granting of a
15 remedy governed by paragraph (2), (3), (10), (11), or (16) of
16 subsection (b) of this Section, which may require such
17 balancing, the court's findings shall so indicate and shall
18 include a finding as to whether granting the remedy will result
19 in hardship to respondent that would substantially outweigh the
20 hardship to petitioner from denial of the remedy. The findings
21 shall be an official record or in writing.

22 (e) Denial of remedies. Denial of any remedy shall not be
23 based, in whole or in part, on evidence that:

24 (1) Respondent has cause for any use of force, unless
25 that cause satisfies the standards for justifiable use of
26 force provided by Article VII of the Criminal Code of 1961;

1 (2) Respondent was voluntarily intoxicated;

2 (3) Petitioner acted in self-defense or defense of
3 another, provided that, if petitioner utilized force, such
4 force was justifiable under Article VII of the Criminal
5 Code of 1961;

6 (4) Petitioner did not act in self-defense or defense
7 of another;

8 (5) Petitioner left the residence or household to avoid
9 further abuse, neglect, or exploitation by respondent;

10 (6) Petitioner did not leave the residence or household
11 to avoid further abuse, neglect, or exploitation by
12 respondent;

13 (7) Conduct by any family or household member excused
14 the abuse, neglect, or exploitation by respondent, unless
15 that same conduct would have excused such abuse, neglect,
16 or exploitation if the parties had not been family or
17 household members.

18 (Source: P.A. 95-234, eff. 1-1-08.)

19 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

20 Sec. 223. Enforcement of orders of protection.

21 (a) When violation is crime. A violation of any order of
22 protection, whether issued in a civil or criminal proceeding,
23 shall be enforced by a criminal court when:

24 (1) The respondent commits the crime of violation of an
25 order of protection pursuant to Section 12-30 of the

1 Criminal Code of 1961, by having knowingly violated:

2 (i) remedies described in paragraphs (1), (2),
3 (3), (14), or (14.5) of subsection (b) of Section 214
4 of this Act; or

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14), and (14.5) of subsection (b) of Section 214
8 of this Act, in a valid order of protection which is
9 authorized under the laws of another state, tribe, or
10 United States territory; or

11 (iii) any other remedy when the act constitutes a
12 crime against the protected parties as defined by the
13 Criminal Code of 1961.

14 Prosecution for a violation of an order of protection
15 shall not bar concurrent prosecution for any other crime,
16 including any crime that may have been committed at the
17 time of the violation of the order of protection; or

18 (2) The respondent commits the crime of child abduction
19 pursuant to Section 10-5 of the Criminal Code of 1961, by
20 having knowingly violated:

21 (i) remedies described in paragraphs (5), (6) or
22 (8) of subsection (b) of Section 214 of this Act; or

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraphs (5), (6), or
25 (8) of subsection (b) of Section 214 of this Act, in a
26 valid order of protection which is authorized under the

1 laws of another state, tribe, or United States
2 territory.

3 (b) When violation is contempt of court. A violation of any
4 valid Illinois order of protection, whether issued in a civil
5 or criminal proceeding, may be enforced through civil or
6 criminal contempt procedures, as appropriate, by any court with
7 jurisdiction, regardless where the act or acts which violated
8 the order of protection were committed, to the extent
9 consistent with the venue provisions of this Act. Nothing in
10 this Act shall preclude any Illinois court from enforcing any
11 valid order of protection issued in another state. Illinois
12 courts may enforce orders of protection through both criminal
13 prosecution and contempt proceedings, unless the action which
14 is second in time is barred by collateral estoppel or the
15 constitutional prohibition against double jeopardy.

16 (1) In a contempt proceeding where the petition for a
17 rule to show cause sets forth facts evidencing an immediate
18 danger that the respondent will flee the jurisdiction,
19 conceal a child, or inflict physical abuse on the
20 petitioner or minor children or on dependent adults in
21 petitioner's care, the court may order the attachment of
22 the respondent without prior service of the rule to show
23 cause or the petition for a rule to show cause. Bond shall
24 be set unless specifically denied in writing.

25 (2) A petition for a rule to show cause for violation
26 of an order of protection shall be treated as an expedited

1 proceeding.

2 (c) Violation of ~~custody or~~ support orders or temporary or
3 final judgments allocating parental responsibilities. A
4 violation of remedies described in paragraphs (5), (6), (8), or
5 (9) of subsection (b) of Section 214 of this Act may be
6 enforced by any remedy provided by Section 607.5 ~~611~~ of the
7 Illinois Marriage and Dissolution of Marriage Act. The court
8 may enforce any order for support issued under paragraph (12)
9 of subsection (b) of Section 214 in the manner provided for
10 under Parts ~~Articles~~ V and VII of the Illinois Marriage and
11 Dissolution of Marriage Act.

12 (d) Actual knowledge. An order of protection may be
13 enforced pursuant to this Section if the respondent violates
14 the order after the respondent has actual knowledge of its
15 contents as shown through one of the following means:

16 (1) By service, delivery, or notice under Section 210.

17 (2) By notice under Section 210.1 or 211.

18 (3) By service of an order of protection under Section
19 222.

20 (4) By other means demonstrating actual knowledge of
21 the contents of the order.

22 (e) The enforcement of an order of protection in civil or
23 criminal court shall not be affected by either of the
24 following:

25 (1) The existence of a separate, correlative order,
26 entered under Section 215.

1 (2) Any finding or order entered in a conjoined
2 criminal proceeding.

3 (f) Circumstances. The court, when determining whether or
4 not a violation of an order of protection has occurred, shall
5 not require physical manifestations of abuse on the person of
6 the victim.

7 (g) Penalties.

8 (1) Except as provided in paragraph (3) of this
9 subsection, where the court finds the commission of a crime
10 or contempt of court under subsections (a) or (b) of this
11 Section, the penalty shall be the penalty that generally
12 applies in such criminal or contempt proceedings, and may
13 include one or more of the following: incarceration,
14 payment of restitution, a fine, payment of attorneys' fees
15 and costs, or community service.

16 (2) The court shall hear and take into account evidence
17 of any factors in aggravation or mitigation before deciding
18 an appropriate penalty under paragraph (1) of this
19 subsection.

20 (3) To the extent permitted by law, the court is
21 encouraged to:

22 (i) increase the penalty for the knowing violation
23 of any order of protection over any penalty previously
24 imposed by any court for respondent's violation of any
25 order of protection or penal statute involving
26 petitioner as victim and respondent as defendant;

1 (ii) impose a minimum penalty of 24 hours
2 imprisonment for respondent's first violation of any
3 order of protection; and

4 (iii) impose a minimum penalty of 48 hours
5 imprisonment for respondent's second or subsequent
6 violation of an order of protection

7 unless the court explicitly finds that an increased penalty
8 or that period of imprisonment would be manifestly unjust.

9 (4) In addition to any other penalties imposed for a
10 violation of an order of protection, a criminal court may
11 consider evidence of any violations of an order of
12 protection:

13 (i) to increase, revoke or modify the bail bond on
14 an underlying criminal charge pursuant to Section
15 110-6 of the Code of Criminal Procedure of 1963;

16 (ii) to revoke or modify an order of probation,
17 conditional discharge or supervision, pursuant to
18 Section 5-6-4 of the Unified Code of Corrections;

19 (iii) to revoke or modify a sentence of periodic
20 imprisonment, pursuant to Section 5-7-2 of the Unified
21 Code of Corrections.

22 (5) In addition to any other penalties, the court shall
23 impose an additional fine of \$20 as authorized by Section
24 5-9-1.11 of the Unified Code of Corrections upon any person
25 convicted of or placed on supervision for a violation of an
26 order of protection. The additional fine shall be imposed

1 for each violation of this Section.

2 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

3 Section 30. The Probate Act of 1975 is amended by changing
4 Section 11-7.1 as follows:

5 (755 ILCS 5/11-7.1) (from Ch. 110 1/2, par. 11-7.1)

6 Sec. 11-7.1. Parenting time ~~Visitation rights~~.

7 (a) Whenever both natural or adoptive parents of a minor
8 are deceased, an allocation of parenting time ~~visitation rights~~
9 shall be granted to the grandparents of the minor who are the
10 parents of the minor's legal parents unless it is shown that
11 such parenting time ~~visitation~~ would be detrimental to the best
12 interests and welfare of the minor. In the discretion of the
13 court, reasonable parenting time ~~visitation rights~~ may be
14 granted to any other relative of the minor or other person
15 having an interest in the welfare of the child. However, the
16 court shall not grant parenting time ~~visitation privileges~~ to
17 any person who otherwise might have parenting time ~~visitation~~
18 ~~privileges~~ under this Section where the minor has been adopted
19 subsequent to the death of both his legal parents except where
20 such adoption is by a close relative. For the purpose of this
21 Section, "close relative" shall include, but not be limited to,
22 a grandparent, aunt, uncle, first cousin, or adult brother or
23 sister.

24 Where such adoption is by a close relative, the court shall

1 not grant parenting time ~~visitation privileges~~ under this
2 Section unless the petitioner alleges and proves that he or she
3 has been unreasonably denied parenting time ~~visitation~~ with the
4 child. The court may grant reasonable parenting time ~~visitation~~
5 ~~privileges~~ upon finding that such parenting time ~~visitation~~
6 would be in the best interest of the child.

7 An order denying parenting time ~~visitation rights~~ to
8 grandparents of the minor shall be in writing and shall state
9 the reasons for denial. An order denying parenting time
10 ~~visitation rights~~ is a final order for purposes of appeal.

11 (b) Unless the court determines, after considering all
12 relevant factors, including but not limited to those set forth
13 in Section 602.7 ~~602(a)~~ of the Illinois Marriage and
14 Dissolution of Marriage Act, that it would be in the best
15 interests of the child to allow parenting time ~~visitation~~, the
16 court shall not enter an order providing parenting time
17 ~~visitation rights~~ and pursuant to a motion to modify parenting
18 time ~~visitation~~ brought under Section 610.5 ~~607(f)~~ of the
19 Illinois Marriage and Dissolution of Marriage Act shall revoke
20 parenting time ~~visitation rights~~ previously granted to any
21 person who would otherwise be entitled to petition for
22 parenting time ~~visitation rights~~ under this Section who has
23 been convicted of first degree murder of the parent,
24 grandparent, great-grandparent, or sibling of the child who is
25 the subject of the order. Until an order is entered pursuant to
26 this subsection, no person shall visit, with the child present,

1 a person who has been convicted of first degree murder of the
2 parent, grandparent, great-grandparent, or sibling of the
3 child without the consent of the child's parent, other than a
4 parent convicted of first degree murder as set forth herein, or
5 legal guardian.

6 (Source: P.A. 90-801, eff. 6-1-99.)

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